

THE BOOK
OF
MODERN LEGAL ANECDOTES.

The Bar, Bench, and Woolsack.

EDITED BY

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LONDON :
GEORGE ROUTLEDGE AND SONS,
THE BROADWAY, LUDGATE.
NEW YORK : 416, BROOME STREET.

LONDON :
BRADBURY, AGNEW, & CO. PRINTERS, WHITEFRIARS.

PREFACE.



THE object of the present volume is to comprise within its small dimensions some of the brightest examples of the Wit and Humour of legal circles in modern times, as well as of remarks by celebrated individuals in conversation, or of extracts from their note-books, letters, or, generally, of particulars respecting them—such as form the *Anac*, or Anecdote-Book.

An accomplished author . makes one of his favourite characters complain that he is never in a Lawyer's company without fancying himself in a witness-box ; and it must be owned that the habits of the bar are apt to militate against the loose, careless, easy style of thought and expression which is most popular in the drawing-room. Yet the late Lord Grenville once remarked that he was always glad to meet a Lawyer at a dinner party, because he then felt sure that some good topic or other would be rationally discussed.



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LORD CHANCELLORS.

THE CHANCERY IN OLDEN TIMES.

UNDER Edward I. the officers of the Chancery (Court) lived and lodged together at an inn, a hospitium, which, when the King resided at Westminster, was near the palace, or, perhaps, part of it, until it was removed to the Domus Conversorum, under Edward III. The writs were laid on a marble table which stood at the upper end of the hall, and there they seem to have been delivered out to the officers. It is supposed that this still exists beneath the Great stairs. When the King died, he was followed by a whole establishment of the Chancery (Chancellor, clerks, so-called), on which occasions it was usual to require a strong force, able to carry the rolls, the religious house bound with the animal; and at the place where the King rested, his progress, an hospitium assigned to the Chancery.

Even as far back as the reign of James I. the Chancellor's duties were very weighty: when Lord-Keeper Williams first held the Great Seal, the press of business was so great that he was compelled to sit in his court for two hours before daylight, and to remain there until between eight and nine, and then repair to the House of Lords, where he stayed till twelve or one: after taking some refreshment at home, he would return to his court and hear such causes as he was unable to hear in the morning; or, if he attended at council, he would resume his seat in Chancery towards evening, and sit there until eight o'clock, and even later: on reaching home after all this fatigue, he read all the papers his secretaries laid before him; and then, although the night was far gone, would prepare himself for the House of Lords the next day. Whitelock mentions himself and his brother commis-

sioners sitting in Chancery from five o'clock in the morning to five o'clock in the afternoon.

Sir Lancelot Shadwell, the late Vice-Chancellor of England, in his evidence before the Chancery Commission, declared the business in the Court was then so heavy, "that *three angels* could not get through it." Sir Thomas More, when he took his seat for the first time in the Court of Chancery, addressing the bar and audience, said, "I ascende this seate as a place full of labour and danger, voyd of all solide and true honour; the which by how much the higher it is, by so much greater fall I am to feare." Laborious indeed it was then, and still more laborious is it now—but void of honour it never was, and never will be; and all such professions of indifference to its dignity, because of the duties annexed to that dignity, as much deserve contempt as they meet with neglect. "When I was Chancellor," says Bacon, "I told Gondomar, the Spanish Ambassador, that I would willingly forbear the honour to get rid of the burthen; that I had always a desire to lead a private life. Gondomar answered that he would tell me a tale:—'My lord, once there was an old rat that would needs leave the world: he acquainted the young rats that he would retire into his hole, and spend his days in solitude, and commanded them to respect his philosophical seclusion. They forbore two or three days: at last one, hardier than his fellows, ventured in to see how he did;

he entered and found him sitting in the midst of a rich parmesan cheese!'"

WHY SIR CHRISTOPHER HATTON WAS MADE LORD CHANCELLOR.

"HATTON, though he were a courtier, yet was known by Queen Elizabeth to be an honest man, and was thought by her to be not unfit for the place where conscience hath, or should have, more place than law. Although some were of opinion that it was not so much the Queen's own choice as that she was persuaded to it by some that wished Hatton not well; both thereby to be a cause of absenting him from the Court, and thinking that such a sedentary place, to a corpulent man that had been used to exercise, would be a means to shorten his life, and he lived not three years after."—*Baker's Chronicle*.

LAWYERS, OR TRANSCRIBERS.

LAWYERS is a name given to the *Jewish divines*, or expounders of the law of Moses, which was a theological as well as a political code. In the modern acceptation of the word, *lawyer* is never used as synonymous with *divine*. In the New Testament *lawyer* and *scribe* appear to be synonymous terms, as we find the *lawyer* in Matt. xxii. 35, called *scribe* in Mark xii. 28. In the Old Testament *scribe* is used for a *public notary* or *secretary*. Its modern use agrees with the original meaning of the word—viz., *transcriber*.

THE FORCE OF TRUTH.

DREADFUL limits are set in nature to the powers of dissimulation. Truth tyrannises over the unwilling members of the body. Faces never lie, it is said. No man need be deceived who will study the changes of expression. When a man speaks the truth in the spirit of truth, his eye is as clear as the heavens. When he has base ends, and speaks falsely, his eye is muddy, and sometimes asquint. I have heard an experienced counsellor say, that he never feared the effect upon a jury of a lawyer who does not believe in his heart that his client ought to have a verdict.—*Emerson's Essays on Spiritual Laws.*

LORD CHANCELLOR HARD-
WICKE.

LORD HARDWICKE was the son of an attorney at Dover. During his education for the law, which commenced by his serving a clerkship with an attorney, he was frequently teased by the wife of his employer—notable housewife!—with trifling errands, as foreign to the circumstances of his profession as they were inconsistent with propriety and decorum. He soon took an opportunity to put an end to this without positive and peremptory refusal. “As you are going by the green-grocer’s, Mr. Yorke,” said the housewife, “will you be so good as to buy me a cauliflower?” was the last request he was ever

troubled with. At his return the cauliflower was produced, which, he observed, cost one shilling and sixpence—sixpence for the cauliflower, and a shilling for a sedan-chair to bring it home in!

Judge Powis, a worthy dignitary, whose intellectual powers were not esteemed very bright, dining in Yorke’s company one day, endeavoured to obtain a solution of the mystery of his success. He began with a bold conjecture. “Mr. Yorke,” said he, “there is scarcely a case before the court in which you do not hold a brief for the plaintiff or the defendant; from which I conceive that you must either have published some important book, or are on the eve of publishing one.” Yorke’s ready wit did not desert him; he gravely replied that his lordship’s conjecture was well-founded—he had such an intention. “Indeed, Mr. Yorke?” rejoined the judge, “and may I be permitted to inquire the subject?” “Most certainly, my lord,” returned Yorke, “I propose to publish a poetical version of Coke upon Littleton.” Upon this the judge requested him to recite a specimen, from which Yorke begged to be excused; but Powis would take no denial, and Yorke, trusting to his invention, recited, with grave emphasis—

“He that holdeth his lands in fee
Need neither to shake nor to shiver,
I humbly conceive, for look, do you see,
They are his and his heirs for ever.”

Avarice was his predominant passion. It was in this way that he got the name of “Judge Gripus.” He was one of a com-

mission which, in the year 1740, reported in favour of some very extensive reforms in the Court of Chancery; but although he concurred in this report, and possessed the ability of carrying the recommendations which it embodied into effect, he made no effort towards such an end, preferring the continuance of abuses to any change which would reduce his income, or diminish his patronage. "My lord," George II. one day said to him, "I observe that there never is a place vacant but you have some friend on whom you wish it to be bestowed." It has been understood that shortly before his retirement from the woolsack Lord Hardwicke decided the cause in which he held his first brief.

LADY HARDWICKE.

AGAINST Lady Hardwicke the Chancellor himself used to tell a ludicrous story. His bailiff, Woodcock, having been ordered by her ladyship to procure a sow of a certain breed and dimension, came one day into the dining-room, when full of people of consequence and distinction, and in a tone of exultation he exclaimed, "Oh, my lady, I have been to Royston Fair, and have got a sow exactly your ladyship's size!" Her ladyship one day sent for Aaron Franks, the celebrated diamond-merchant, and when he arrived received him in a very confidential manner. "Mr. Franks," she said, "I want to make my daughter, Lady Aurora, a present of a jewel—

something about £2,000." That was soon arranged, and then came the real business. "And can you," said she, "tell me of any good match for one of my sons? But, Franks," she continued eagerly, "she must be rich—she must be rich, Mr. Franks, or it would not do."

The purse in which the Great Seal is carried is of expensive embroidery, and was, in Lord Hardwicke's time, provided every year. Lady Hardwicke took care that it should not become the Seal-bearer's perquisite, for she annually retained the purse herself, having previously ordered that the velvet of which it was made should be of the length and height of one of the state-rooms at Wimpole, Lord Hardwicke's seat in Cambridgeshire. So many of the old purses were thus saved that Lady Hardwicke had enough velvet to hang the state-room throughout, and make curtains for the state-bed.

LORD CHANCELLOR NORTHINGTON.

THE convivial Lord Northington was one of the "swearing Chancellors." When his lordship was chosen a governor of St. Bartholomew's Hospital, a smart gentleman, who was sent with the staff, carried it in the evening, when the Chancellor happened to be drunk. "Well, Mr. Bartlemy," said his lordship, snuffing, "what have you to say?" The man, who had prepared a formal harangue, was delighted to have so fair

an opportunity given him of uttering it, and with much dapper gesticulation congratulated his lordship on his health, and the nation on enjoying such great abilities. The Chancellor stopped him short, saying, "By —, it is a lie! I have neither health nor abilities; my bad health has destroyed my abilities." In his last illness he was recommended to avail himself of the services of a certain prelate. "He will never do," said the Chancellor, "I should have to acknowledge that one of my heaviest sins was in having made him a bishop."

He owed his elevation to an accident. When the Pitt and Fox ministry came in, in 1757, the Great Seal was offered successively to Lord Hardwicke, Lord Mansfield, Sir Thomas Clarke, Chief Justice Willes, and Sir John Wilmot. They all, however, declined it. The ministry had then no other alternative but to raise the Attorney-General Henley to the woolsack. "There is an amusing anecdote," says Lord Henley, "respecting this transaction, current in the profession, and which Lord Ellenborough used to relate with his characteristic humour. Immediately after Willes had refused the Seals, Henley called upon him at his villa, and found him walking in his garden, highly indignant at the affront which he considered that he had received in an offer so inadequate to his pretensions. After entering into some detail of his grievances, he concluded by asking whether any man of

spirit would, under such circumstances, have taken the Seals, adding, 'Would you, Mr. Attorney, have done so?' Henley, thus appealed to, gravely told him that it was too late to enter into such a discussion, as he was then waiting upon his lordship to inform him that he actually had accepted them." Henley held them as Lord-Keeper, without a peerage, until Lord Ferrers' trial in 1760, when he was created Baron Henley. On the accession of George III., he surrendered the Great Seal, which was returned to him as Lord Chancellor, and within a few months he was created Earl of Northington. Like Thurlow, Lord Northington was a devoted convivialist. George III. used to relate, with his accustomed humour, the mode in which he asked permission to abolish the Chancellor's evening sittings on Wednesdays and Fridays during term, in order that he might have time to finish his bottle comfortably at his leisure. His excesses in this way subjected him to repeated and severe attacks of gout. When suffering he was heard to mutter to himself, while walking from the woolsack to the bar, "If I had known these legs of mine were meant to carry a Lord Chancellor, I would have taken better care of them when I was a boy." He is said while at the bar to have displayed "lively parts, and a warm temper." Horace Walpole says that he was "a lawyer in vogue, but his abilities did not figure in proportion to the impudence of his ill-nature." There is pro-

bably some malice and much truth in this character.

LORD LOUGHBOROUGH.

WHEN Lord Loughborough first came to London, he was a constant attendant at the green-room, and associated with Macklin, Foote, and Sheridan (the father of Richard Brinsley), who assisted him to soften down his Scotch accent. But the main chance was not neglected. It is stated in Boswell's Johnson, that he solicited Strahan the printer, a countryman, to get him employed in city causes; and his brother-in-law, Sir Harry Erskine, procured him the patronage of Lord Bute. When a man of decided talent and good connexion does not stand on trifles, there is no necessity for speculating on the precise causes of his success.

Lord Loughborough was a remarkable instance of a lawyer succeeding in the House of Commons. He began in the opposition, and one of the first individuals with whom he came into collision was the Attorney-General, De Grey, to whose seat on the bench of the Common Pleas he subsequently succeeded. De Grey had concluded a speech, in which he had advocated the maintenance of things *as they are*, with quoting the lines—

"Better to bear the ills we have,
Than fly to others that we know not of."

Wedderburne, in commencing his reply, continued the quota-

tion, which told directly against his opponent—

"And thus the native hue of resolution
Is sicklied o'er with the pale cast of thought;
And enterprises of great pith and moment
With this regard their currents turn awry,
And lose the name of action."

Upon another occasion, in speaking of the benefits and disadvantages of a free press, he said, "If it poisons the minds of the people, it likewise administers an antidote. The same waggons, the same flies and stages that carry down into the country the lies and abuse of faction, carry down also the lies and abuse of the ministry. If anyone is bit by the tarantula of opposition, he is cured by the music of the court."

In 1811, the following statement was made, illustrative at once of the humanity of Lord Loughborough, and the impolicy of the then state of the law. Not a great many years previously, on the Norfolk circuit, a larceny was committed by two men in a poultry-yard, but only one of them was apprehended. This man was tried at the next assizes, found guilty, and sentenced by Lord Loughborough *to a few months' imprisonment*. When the accomplice heard of this, he surrendered, and was tried the following assizes. Unfortunately for him, the presiding judge was Mr. Justice Gould, who had observed or fancied that a man who sets out with stealing fowls, generally ends in committing atrocious crimes—as a consequence, he sentenced the criminal to *transportation*.

LEGAL ANECDOTES.

Lord Loughborough, though he loved society, never shone in it. "What can he mean," cried Foote, "by coming among us? He is not only dull himself, but the cause of dulness in others." Yet, to men of genius, he was uniformly kind, and showed himself the enlightened and generous protector of merit.

HOSPITALITY OF THE
ROLLS HOUSE.

A FEW of the Masters of the Rolls have, by choice, resided at the Rolls House, in Chancery-lane. Sir John Trevor, a rare economist, while dining here one day by himself, and quietly enjoying his wine, his cousin, Roderic Lloyd, was unexpectedly introduced to him by a side-door. "You rascal," said Trevor to his servant, "and you have brought my cousin Roderic Lloyd, Esquire, Prothonotary of North Wales, Marshal to Baron Price, and so forth, and so forth, up my *back stairs*! Take my cousin Roderic Lloyd, Esquire, Prothonotary of North Wales, Marshal to Baron Price, and so forth, you rascal, take him instantly back down my *back stairs*, and bring him up my *front stairs*." Roderic in vain remonstrated; and whilst he was conducted down one and up the other pair of stairs, his honour, Sir John Trevor, removed the bottle and glasses!

Sir William Grant was another resident at the Rolls House. In his time the Court sat in the evening, from six to ten; and

Sir William dined after the Court rose. His servant, it is said, when he went to bed, left two bottles of wine on the table, which he always found empty in the morning. Sir William occupied two or three rooms on the ground-floor of the Rolls House; and when showing them to his successor in the Rolls, he said: "Here are two or three good rooms; this is my dining-room; my library and bedroom are beyond; and I am told," he added, "there are some good rooms upstairs; but I never was there." It was Sir William Grant who first employed the well-known phrase of "the wisdom of our ancestors;" and the menaced innovation, to stop which (says Lord Brougham) he applied it, was the proposal of Sir Samuel Romilly to take the step of reform, almost imperceptibly small, of subjecting men's real property to the payment of their debts.

LOST AND FOUND.

In a debate in the House of Commons, in 1764, on the subject of Wilkes's arrest by a general warrant, Sir Charles Sewell, Master of the Rolls, who usually sat in the house in his bag-wig, when a motion was made for an adjournment of the question for three days, said, "that such an adjournment would enable him to look into the authorities, and give a decided opinion on the subject, which he was, at present, unable to do." The adjournment was

carried, and when the debate was resumed after it, he said, that he had, "that morning turned the whole matter over in his mind as he lay upon his pillow, and, after ruminating and considering a great deal, he could not help declaring that he was of the same opinion that he was before." Upon this Charles Townsend started up, and exclaimed, "that he was very sorry to observe that what the right honourable gentleman had found in his nightcap he had lost in his periwig!"

SIR SAMUEL ROMILLY.

THE father of Sir Samuel Romilly endeavoured to give him, when a boy, a favourable opinion of a lawyer; but, unfortunately, the professional prototype did not succeed. This was a Mr. Liddel, of Thread-needle-street, described as a shortish, fat man, with a ruddy countenance, which always shone as if besmeared with grease; a large wig sat loosely upon his head; his eyes were constantly half shut and drowsy; all his motions slow and deliberate; and his words slabbered out as if he had not exertion enough to articulate. His dark and gloomy house was filled with dirty papers and parchment deeds; and in his meagre library Romilly did not see a single volume which he was not deterred, by its external appearance, from opening. The idea of Mr. Liddel and a lawyer was so identified in Romilly's mind, that he was at once disgusted

with the profession; and all thoughts of his being an attorney were, for some time, given up, as well by his father as himself.

Lord Gifford, when Attorney-General, had frequently to encounter Sir Samuel Romilly in the House of Commons. "The night before he was to meet him upon a very important debate he told me," says Dr. Dibdin, "he had not slept one wink. Mr. Canning sat close to him when he rose, and cheered him as he went on; but at first he was scarcely conscious of being upon his legs, and did not know whether the Speaker was in the chair or his opponent in the House, though he sat immediately opposite to him; but he soon shook up his intellectual energies, became warm, fluent, courageous, and convincing." It was of him, an ex-chancellor is reported to have said, that he had risen as does a man in a balloon—by an impulse not originating in himself.

A striking peculiarity of this great man is thus mentioned by Mr. Wilberforce, who was warmly attached to him:—"One of the most remarkable things about Romilly," he says, "was, though he had such an immense quantity of business, he seemed always an idle man." He seemed to have been a living antithesis to the Duke of Newcastle, commemorated in *Humphrey Clinker*, who was always in a hurry. It used to be said of him, "that he had lost one hour in the morning which he was looking for during the rest of the day."

A CHANCERY JEU
D'ESPRIT.

SIR JOHN LEACH was a famous leader in Chancery in his day ; afterwards Vice-Chancellor, and finally, Master of the Rolls.

"Nor did he change, but kept in lofty place."

the character assigned to him by Sir George Rose, in a *jeu d'esprit*, the point of which has suffered a little in the hands of Lord Eldon's biographers, Mr. Twiss and Lord Campbell. The true text, we know from the highest authority, ran thus :—

"Mr. Leach
Made a speech,
Angry, neat, and wrong ;
Mr. Hart,
On the other part,
Was right, and dull, and long.
Mr. Parker
Made the case darker,
Which was dark enough without ;
Mr. Cooke
Cited a book,
And the Chancellor said, 'I doubt.'"

Mr. Twiss good-naturedly suggests that "Parker" was taken merely for the rhyme ; but we are assured that this was not so, and that the verses represent the actual order and *identities* of the argument. By the favour of the accomplished author we are enabled to lay before our readers his own history of this production. "In my earliest years at the Bar, sitting idle and listless rather than listening, on the back benches of the Court, Vesey, junior, the reporter, put his notebook into my hand, saying, 'Rose, I am obliged to go away. If anything occurs,

take a note for me.' When he returned, I gave him back his notebook, and in it the fair report, in effect, of what had taken place in his absence ; and of course thought no more about it. My short report was so far *en règle*, that it came out in *numbers*, though certainly *lege solutis*. It was about four or five years afterwards—when I was beginning to get into business—that I had a motion to make before the Chancellor. Taking up the paper (the *Morning Chronicle*), at breakfast, I there, to my surprise and alarm, saw my unfortunate report. 'Here's a pretty business !' said I ; 'pretty chance have I, having thus made myself known to the Court as satirizing both Bench and Bar.' Well, as Twiss truly narrates, I made my motion. The Chancellor told me to 'take nothing' by it, and added, 'and, Mr. Rose, in this case, the Chancellor does not doubt.' But Twiss has not told the whole story. The anecdote, as he left it, conveys the notion of a taunting displeased retaliation, and reminds one of the Scotch judge, who, after pronouncing sentence of death upon a former companion whom he had found it difficult to beat at chess, is alleged to have added, 'and now, Donald, my man, I've checkmated you for aince !' 'If Twiss had applied to me (I wish he had, for Lord Eldon's sake), I might have told him what Lord Eldon, in his usual consideration for young beginners, further did. Thinking that I might be (as I in truth

was), rather disconcerted at so unexpected a *contretemps*, he sent me down a note to the effect that, so far from being offended, he had been much pleased with a playfulness attributed to me, and hoped, now that business was approaching me, I should still find leisure for some relaxation; and he was afterwards invariably courteous and kind; nay, not only promised me a silk gown, but actually—*credite Posteris*—invited me to dinner. I have never known how that scrap (which, like a Chancery suit which it reports, promises to be *sine-final*) found its way into print.”—*Note in the Quarterly Review.*

ADVENTURES OF THE GREAT SEAL.

THE first Great Seal was made in the reign of Edward the Confessor; each successive Sovereign has a Seal of his own, and upon his death this Seal is broken, or *damasked*, as it is technically termed. Formerly, this operation was actually performed, and the Seal was broken to pieces by a blacksmith's hammer; but for the last hundred years or more these important instruments have acquired an antiquarian interest, and are eagerly taken possession of by the Lord Chancellor in whose custody they happen to be at the time of the King's decease.

After the death of George IV. Lord Lyndhurst and Lord Brougham each claimed the deceased monarch's Great Seal, be-

cause, owing to a change of Ministry, each chanced to have sat on the woosack during the interval which elapsed between the King's death and the adoption of a new Seal. Grave precedents were quoted in support of either claim, when William IV., with sailor-like simplicity, being aware that the Great Seal was in two parts, an obverse and a reverse, allotted one half to each of the claimants.

In stormy times these potent symbols of authority have passed through many vicissitudes. The Seal of Charles I., being surrendered to Fairfax during the Civil Wars, was solemnly broken in pieces by a blacksmith at the bar of the House of Peers. Cromwell's Seal was destroyed by the Rump Parliament in 1659, while a year later their own new Seal fell under the monarchical hammer of the Restoration.

At present we can scarcely appreciate the almost magical power which was attributed to this instrument in earlier days. After the Battle of Worcester Charles II. is supposed to have thrown his Great Seal into the Severn, lest it should fall into the hands of Cromwell's soldiers. His unlucky brother James followed Charles's example in 1688, by dropping the Great Seal into the Thames at Westminster, but it was afterwards recovered by a fisherman. In more peaceful times the Great Seal has been exposed to other perils. In 1677 a famous robber named Sadler broke into the Lord Chancellor's house for the purpose of stealing

the Great Seal, apparently by way of bravado. The Chancellor, however, prudently slept with the Seal under his pillow, so the burglar took the mace instead, the accidental discovery of which in a cupboard by a little girl ultimately brought him to the gallows.

Next the Great Seal was stolen from Lord Chancellor Thurlow's house, No. 45, Great Ormond Street, on the 25th of March, 1784, the day before the dissolution of Parliament. The thieves got in by scaling the garden wall, and forcing two iron bars out of the kitchen window. They then made their way to the Chancellor's study, broke open the drawers of his lordship's writing-table, ransacked the room, and carried away the Great Seal, rejecting the pouch as of little value, and the mace as too unwieldy. The thieves were discovered, but the Seal, being of silver, had got into circulation through the melting-pot; and patents and important public documents were delayed until a new Seal was made (*Cunningham's London*). We have it from good authority that for the next eight years of his Chancellorship Lord Thurlow always slept with the Great Seal *under his pillow*.

We may remark here that this first Great Seal of George III. was the one that lay on the table in the room where Charles Yorke, the three-days' Lord Chancellor, died so mysteriously in 1770.

George III.'s third Great Seal also had its adventures. Lord Eldon tells us, in his Diary, that

when he went to the palace for the purpose of receiving the Seal, the King was seated on a sofa, with his coat partially buttoned, and the Seal pushed in on the left side, between his coat and the waistcoat. He drew it forth on the appearance of the Chancellor, and handed it to him with these words—"Here I give it you from my heart." His lordship never went to bed a single night without having the Seal in his chamber.

In 1812, when his house took fire, his first thoughts were for the safety of the Seal: snatching it from the place where it lay, he rushed downstairs and buried it in the flower-garden behind the house. Upon returning to his dwelling, he says, in his Diary, that he was "so enchanted with the pretty sight of the maids, who had turned out of their beds, and were handing in buckets of water to the fire-engine, all in their shifts, and so alarmed for the safety of Lady Eldon," that in the morning he could not recollect in the least in *which* flower-bed he had buried the Seal. "You never saw," he adds in his Diary, "anything so ridiculous as seeing the whole family down the walks dibbling with bits of stick until we found it."

This was the Great Seal which Erskine held for the brief space of fourteen months, and concerning which, though the loss of office was a serious blow both to his ambition and his purse, he could afterwards afford to joke so pleasantly. At a dinner party Captain Parry was asked

what he and his crew lived upon during the Arctic winter, "We lived chiefly on seals." "And very good living, too," said Erskine, "if you keep them long enough!"

PATERNITY OF GREAT LAWYERS.

LORD SOMERS's father was an attorney at Worcester; Lord Hardwicke's, an attorney at Dover; Lord King's, a grocer at Exeter; Lord Gifford's (by an odd coincidence) a grocer in the same city; Lord Thurlow's, a poor country clergyman; Lord Kenyon's, a gentleman of small estate in Wales; Dunning's, an attorney at Ashburton; Sir Vicary Gibbs's, a surgeon and apothecary at Exeter; Sir Samuel Romilly's, a jeweller, though of a good refugee family; Sir Samuel Shepherd's (as we learn from a memoir by his son), a goldsmith; Lord Tenterden's, a barber at Canterbury, described as "a little, erect, primitive-looking man, with a large club pig-tail, going about with the instruments of his business under one arm, and attended by his son Charles (the future Chief Justice), a youth as decent, grave, and primitive-looking as himself;" Lord Mansfield and Lord Erskine were men of family: but all Lord Mansfield got by his noble connections were a few briefs in Scotch appeal cases; and Erskine, just about the time when he was called to the bar,

was heard emphatically thanking God, that, out of his own family, he did not know a lord. It would have been more to the purpose to thank God that he *did* know an attorney: but he judged rightly in supposing that his noble blood would be of no avail.

Cambridge has always been the favourite University for embryo lawyers, from a notion that the mathematics are better adapted than classics to prepare the mind for forensic reasoning; and on running over the list of wranglers and medalists we cease to wonder that this notion has gained ground. On that list we find among many other less known names, those of Law (the first Lord Ellenborough), Copley, Tindal, Littledale, Shadwell, Bickersteth, Pollock, Parke, Alderson, Maule, &c. On the other hand, an equal or greater number of eminent judges and advocates never received an Oxford or Cambridge education, or made no effort at distinction there. Kenyon, Thurlow, Dunning, Erskine, Scarlett, Gifford, Shepherd, Romilly, with almost all the undisputed leaders of the profession in England, belong to one or the other of these two categories. It is, therefore, quite impossible to deduce any general rule from the examples; and those who lay much stress on college honours as an earnest of future eminence, as well as those who make light of them as an indication, are equally at fault.

LAWYERS' JOURNEYS, SALARIES, AND COSTUME.

LAWYERS ON HORSEBACK

IS the title of one of the sections of Mr. Jeaffreson's entertaining *Book about Lawyers*.

In the days when many so-called roads were impassable for wheeled carriages, nearly every lawyer rode circuit. Roger North—on whose delightful reminiscences Mr. Jeaffreson draws largely—tells us how his brother Francis, afterwards Lord Guildford, nearly lost his life at Colchester. He had been dining with the Recorder, Sir John Shaw, a jovial soul, who did his best to make all his guests tipsy. After dinner, although it was dark, and everybody was more or less the worse for liquor, the lawyers insisted on recommencing their journey. Soon after they started, Francis North's horse ran away with him, and never stopped till it went into a pond to drink. One of his brother barristers gave chase, and fortunately came up at last with the future Lord-Keeper, whom he found calmly bestriding his steed in a state of tipsy unconsciousness; in fact, he recollected nothing till he found himself in bed at a public-house next morning. Like his still more famous kinsman of a later date, Francis North was a very good-tempered man, indeed, as Jekyll afterwards said of some

one else, nobody could ruffle him but his laundress. His brother records, as an instance of his self-control, how a stupid servant once upset a glass of red wine on his delicate point-lace bands, a part of his dress which a fashionable Templar of that day cherished with the utmost care; North merely wiped his face and clothes with the napkin, saying, "Here, take this away," and no more. But many years afterwards, when a great man, he became the subject of another story, which, as his brother says, "riled him extremely." A Turkey merchant brought a rhinoceros to London, and this animal became the talk of the town, just as the hippopotamus did a few years ago. The Lord-Keeper, curious, like everybody else, went into the City to have a private view of it, whereupon the ill-natured gossips of the Court circulated a tale that he had been riding the rhinoceros up and down Cheap-side. "I never saw him in such a rage," says honest brother Roger, "and when the courtiers had the face to come to know if it were true, he sent them away with fleas in their ear." But we are forgetting our "Lawyers on Horseback." Briefless barristers were sometimes put to sore straits for lack of means to buy a horse. The juniors used often

to travel afoot, and Serjeant Maynard, who was born in the reign of Elizabeth, and yet lived to welcome William III., was a famous pedestrian circuiter. Edward Thurlow, in his young days, wanting a horse, and having no money to pay for one, solved the difficulty by getting a horse from a dealer on trial, riding circuit on it, and then returning it with the statement that it did not exactly suit him. Early in the present century, before the cra of railways, going circuit was an especially expensive process. Riding had, to a great extent, ceased to be the fashion, while it was deemed beneath the etiquette of the Bar to travel in a stage-coach. So barristers posted in chaises, clubbing together to save the cost. Men in good practice studied their briefs on the road; those who had no briefs beguiled the time with whist. For this purpose a table was made by a plank fitted into the windows of the carriage. And hereby hangs a tale. Once upon a time an old lady died, desiring by her will to be buried in a distant part of the country. The hearse containing her body was sent forward, and a few days later a post-chaise with the mourners inside followed on the road. Their grief might be sincere, but the journey was tedious, so, on the second day, the old lady's nephew, a barrister, proposed that they should indulge in a rubber of whist. A distorted version of the incident got wind, and, years after, when this nephew had achieved legal emi-

nence, he was solemnly accused of having taken his aunt's body from London to Scotland, and played whist upon the coffin during the entire journey.—*Times Review*.

LAWYER'S COSTUME.

LAWYERS have always been remarkable, perhaps more than the members of other professions, for displaying the extremes of foppishness and slovenliness in their costume. Erskine was a notable example of the legal fop, Kenyon of the legal sloven. In Erskine's younger days male attire afforded more opportunity for elegant display than is now possible. Cocked hats and ruffles, with satin small clothes, constituted the usual evening dress. When Dr. Dibdin called on Erskine at breakfast-time he received him attired in the smart dress of the times, a dark green coat, scarlet waistcoat, and silk breeches. Erskine was very particular about the cut and curl of his wigs, their texture and their colour, while the hands which he extended in entreaty towards British juries were always cased in lemon-coloured kid gloves. Lord Kenyon's ordinary dress, on the contrary, would have disgraced a copying clerk, and during his later years it was a moot-point among barristers whether his breeches were made of velvet or leather. He is reported to have gone to Court in a second-hand suit, bought of Lord Stormont's valet; and when the war income-tax threatened to abridge

people's luxuries, and compel economy, Lord Ellenborough observed that Kenyon intended to meet the crisis by laying down his pocket handkerchief. He had two wigs and two hats, all grievously shabby, but not all equally shabby; and he always wore the better wig with the worse hat, and *vice versa*. "Were the shoes anything like these?" he said on one occasion to a shoemaker in Court, as he pointed to his own. "No, my lord," replied the witness, "they were a good deal better, and more genteeler."—*Times Review*.

MR. NORTHALL AND THE HIGHWAYMAN.

MR. NORTHALL was an eminent solicitor, who transacted Mr. Pitt's private business, from a very early period until his death. In 1765 he was appointed Solicitor to the Treasury. On returning from Bath, in March, 1775, he was attacked by a highwayman on Hounslow Heath, who, on his demands not being complied with, fired into the carriage. Mr. Northall returned the fire, and, it was thought, wounded the man, who rode off precipitately. On arriving at the inn at Hounslow, he wrote a description to Sir John Fielding, but had scarcely written the letter when he expired.

SALARIES TO JUDGES AND CROWN LAWYERS.

IN the 16th century, and for some generations previous it

was customary for clients to provide food and drink for their counsel. Here is an extract from a bill of costs made in the reign of Edward IV.—"For a breakfast at Westminster spent on our counsel, 1s. 6d.; for boat hire in and out and a breakfast for two days, 1s. 6d." Another item from the parish books of St. Margaret's, Westminster, runs thus—"Also, paid to Roger Fylpott, learned in the law, for his counsel given, 3s. 8d., with 4d. for his dinner."

When Sir Thomas Moore lived in Bucklersbury, he "gained, without grief, not so little as 400l. by the year." "Considering the relative profits of the bar, and the value of money," says Lord Campbell, "this income probably indicated as high a station as 10,000l. a year at the present day." In the reign of James I. the nominal salaries paid to the judges and Crown lawyers were extremely low; their real incomes were derived from certain fees which had to be paid into Court before any suitor could obtain a hearing. "Francis Bacon," says Mr. Hepworth Dixon, "valued his place as Attorney-General at 6,000l. a year, of which the King paid him only 81l. 6s. 8d." Mr. Dixon goes on to mention several similar instances, adding, "Yet each of these great lawyers had given up a lucrative practice at the bar. After their promotion to the bench they lived in good houses, kept a princely state, gave dinners and masques, made presents to

the King, accumulated goods and lands." Sir Edward Coke had made a still larger income as Attorney-General, the fees from his private and official practice amounting to 7,000*l.* in a single year.

We confess ourselves unable to reconcile such figures as these with Lord Campbell's statement about Sir T. More. Either within 100 years the value of money had enormously declined, or Coke was making an income far exceeding anything attainable in the present day. In his survey of the state of England in 1685 Lord Macaulay says :—"A thousand a year was thought a large income for a barrister ; 2,000*l.* a year was hardly to be made in the Court of King's Bench, except by Crown lawyers." Mr. Jeaffreson (in his *Book about Lawyers*) impugns the accuracy of this statement, holding that the former part of it is based on a passage in *Pepys's Diary*. As long ago as 1668 the Admiralty was a favourite target for Parliamentary orators to shoot at, and Mr. Pepys, after priming himself with good liquor, made such a spirited speech in behalf of his department that his friends complimented him hugely, assuring him that if he would put on a gown and plead at the Chancery bar he could not get less than 1,000*l.* a year. We see nothing to complain of in this portion of Lord Macaulay's statement, especially as Mr. Jeaffreson himself adds in a note, "Among advocates in Charles II.'s reign, a professional

income of a thousand a year signified a practice and popularity that placed a barrister in the second rank of the unquestionably successful followers of the law. Somers was thought a fortunate and rising counsellor when he enjoyed Lord Chancellor Nottingham's favour, and made 700*l.* a year." But the credit of the second part of Lord Macaulay's statement is certainly shaken by an examination of the fee-book of Sir Francis Winington, who was Solicitor-General to Charles II. In 1673 he received 3,371*l.*, in 1674, 3,560*l.* ; and in 1675—the first year of his tenure of the solicitor's office—4,066*l.*, of which only 429*l.* were office fees. Lord Keeper North made 7,000*l.* a year as Attorney-General, and his brother Roger gives an amusing description of his mode of bestowing the fees in three skull caps—one for the gold, the second for crowns and half-crowns, and the third for the small money. In those golden days the barrister did not open his mouth till his fingers had closed on his client's money, and credit was unknown in transactions between counsel and attorney. A good deal of base money used, however, to be taken on these occasions, and Bishop Burnet gravely praises Sir Matthew Hale for his justice and goodness in not putting this flash coin again into circulation. The worthy Judge's virtue was emphatically its own reward. He had gathered together a vast heap of this spurious

coin, when some thieves broke into his house, and contentedly carried it off, believing that they were helping themselves to his hoarded treasures. The practice of the Bar does not appear to have become more lucrative in the reign of George II. than it was many years earlier. During the last year of his tenure of the Solicitor-Generalship, Charles Yorke earned 7,322*l.* Lord Eldon's fee book shows a great advance. In 1794 he received 11,592*l.*; in 1795, 11,149*l.*; in 1796, 12,140*l.* Previous to Erskine's elevation to the Bench, he received on an average twelve special retainers in the year, from which he gained at least 3,600*l.* Elsewhere we read of Erskine—"It is four and a half years since he was called, and in that time he has cleared 8,000*l.* or 9,000*l.*, besides paying his debts, got a silk gown, and a business of at least 3,000*l.* a year."—*Times Review.*

LAWYERS IN THE DUNCIAD.

MATTHEW CONCANEN, an Irishman bred to the law, who was accused of having boasted of what he had not written, but others had revised and done for him, was the author of several dull and dead scurrilities, and dealt very unfairly with Pope, and accordingly is pilloried in the *Dunciad*. To Concanen's *Supplement* to the *Profound*, somebody humorously caused him to take for his motto, *De Profundis clamavi*. He then became a hired scribbler in the *Daily Courant*, where he poured

forth much Billingsgate against Lord Bolingbroke and others; after which this man was surprisingly promoted to administer justice and law in Jamaica. The interest of the Duke of Newcastle procured for Concanen, in 1732, the appointment of Attorney-General in India, which he filled with integrity and honour for nearly seventeen years. He acquired an ample fortune, but died on his voyage home in 1749.

William Arnal, bred an attorney, was a perfect genius in satire. He began, under twenty, with furious party papers; that succeeded Concanen in the *British Journal*. At the first publication of the *Dunciad*, he prevailed on the author not to give him his due place in it, by a letter professing his detestation of such practices as his predecessor's. But since, by the most unexampled insolence, and personal abuse of several great men, Pope's particular friends, he most amply deserved a niche in the Temple of Infamy; witness a paper called the *True Briton*, a dedication intitled "To the Genuine Blunderer." He wrote for hire, and valued himself accordingly; not, indeed, without cause, it appearing "for True Britons and other writings, that he received in the space of *four years* no less than *ten thousand nine hundred and ninety-seven pounds six shillings and eight pence* out of the Treasury."

Arnal was much in the confidence of Sir Robert Walpole, and was employed on various secret

missions. He was shrewd, sensible, and an able party writer, but vain and extravagant. "What he got," says Coxe, "he spent as fast as it came, and many of his letters to Sir Robert show great poverty and distress. They are full of earnest petitions for preferment, money," &c. He had a silver inkstand, which he vouched was a present from his friend *Walpole*. His distress, at last, brought on by his own imprudence, drove him, it was supposed, to commit suicide, in 1741, when Arnal was only twenty-six years of age.

THE BURIAL PLACE OF SIR THOMAS MORE.

THE ancient dedication of the old church at Chelsea, it has been suggested, was to All Saints, though it has long been appropriated to St. Luke. The chancel, with the chantries north and south of it, are the only portions of ancient work left. From the south, or More chantry, the monument of Sir Thomas More was removed to the chancel; and, notwithstanding the current contrary opinion, founded on Aubrey's assertion, the More monument is the original one, for which Sir Thomas himself dictated the epitaph. Mr. Burnell, the architect of the improvements effected subsequently to 1857, speaks positively as to the non-existence of a crypt which conjecture had placed under the More chantry. The arch between this chantry and the chancel is of very fine Italian workmanship,

dated 1528. The carved ornaments are objects connected with the Roman ritual. The body of Sir Thomas More was, according to Aubrey, interred in this chapel; and his head, after an exposure of fourteen days—testifying to the passers-by on London Bridge the remorseless cruelty of Henry VIII. and his barbarous insensibility to virtue, patriotism, and talent—was consigned to a vault in St. Dunstan's Church, Canterbury. It was inspected and drawn in that vault in 1715.

LAWYERS AS SOLDIERS.

WITHOUT going back to those early days when men were churchmen, advocates, and soldiers, all by turns, lawyers have always shown a readiness to take up arms. Sir Edward Littleton, Charles I.'s Lord Keeper, raised a regiment of barrister-volunteers at Oxford; while Whitelocke, who afterwards became Lord Keeper to Cromwell, saw military service on the Parliamentary side. Passing by the eccentric John Somers, who cooled a loyalist preacher's rancorous eloquence by putting a pistol-bullet in the sounding-board above his head, we come to 1688, when Cowper, afterwards Lord Chancellor, raised a troop of horse in behalf of the Prince of Orange. This section of Mr. Jeaffreson's *Book about Lawyers* brings before us many interesting reminiscences of the riots of 1780, when Lord Mansfield's house in Bloomsbury-square was sacked by the

mob, and his invaluable library, so tunefully lamented by Cowper the poet, was committed to the flames. "Kill all the lawyers!" was the cry during that troublous week of June; and many of the barristers accordingly brought their wives, their daughters, and their plate-chests into the Temple, and barricaded themselves there. Various stories are told of their prowess. Many years afterwards Erskine used to boast that he terrified the mob which had beset the gate by suddenly throwing the gate open and displaying a field-piece. Another story relates that the valorous barristers wished to follow to the outside a troop of soldiers who had been stationed in the Temple during the night, in order that they might do battle with the insurgents. The officer in command, however, seems to have entertained an invincible distrust of amateur fighting men, for it is reported that he discourteously banged the gate in the lawyers' faces, and then shouted from the other side, "Gentlemen, I am much obliged to you for your intended assistance, but I do not choose to allow my soldiers to be shot, so I have ordered you to be locked in." During the long war with Republican and Imperial France, the lawyers formed two corps of volunteers, which were respectively nicknamed the "Devil's Own," and the "Devil's Invincibles." Attorneys were admitted to the ranks of the latter, and when Colonel Cox, the Master in Chancery, who commanded the corps, gave the word

"Charge," it is said that two-thirds of his rank and file took out their note-books and wrote down 6s. 8d.—*Times Review*.

UPRIGHT JUDGES.

AT present we should consider it superfluous to say in praise of a Judge that he was never known to take a bribe. But the biographers of legal dignitaries of former times are full of such commendations. Sir Thomas More is praised for returning forty angels which he found in a pair of gloves that had been presented to him. Sir Matthew Hale was nervously afraid of being bribed, and there is an amusing anecdote of a scene between himself and a west country squire who wanted to give him some venison. The Lord Chief Baron insisted on paying for the buck, whereupon the squire in dudgeon withdrew his record. A somewhat similar story is told of the late Baron Graham. A certain baronet was in the habit of inviting the Judges in the Western Circuit to dinner. On one occasion he was plaintiff in a cause which was coming on for trial, still the customary invitation was sent, and the Judge, scorning to let it be supposed that he could be influenced by a dinner, accepted the invitation. But the defendant, a neighbouring squire, grew alarmed, and, by way of balancing matters, invited the whole of the special jury, who were summoned to try the cause, to dine with him. Hereupon the baronet's courage failed him, and he withdrew the record.

JUDGES' PROCESSION.

ROGER NORTH gives a ludicrous account of the last time in which the judges' procession to Westminster, on the first day of term, was made on horseback. Speaking of Lord Shaftesbury, Roger North says, "His lordship had an early fancy, or rather freak, the first day of term to make his procession on horseback, as in the old time the way was, when coaches were not so rife. And accordingly the judges, &c., were spoken to, to get horses, as they and all the rest did by borrowing and hiring, and so equipped themselves with black foot-cloths in the best manner they could. And divers of the nobility, as usual, in compliment and honour to the new Lord Chancellor, attended also

in their equipments. Upon notice in town of this cavalcade, all the show company took their places at windows and balconies, with the Foot Guards in the streets, to partake of the fine sight, and being once settled for the march, it moved, as the design was, stately along. But when they came to straits and interruptions, for want of gravity in the beasts and too much in the riders, there happened some curvetting, which made no little disorder. Judge Twisden, to his great affright and the consternation of his grave brethren, was laid along in the dirt. But all at length arrived safe, without the loss of life or limb in the service. This accident was enough to divert the like frolic for the future, and the very term after they fell to their coaches as before."

JUSTICE WELCH—THE PILLORY—PUNISHMENTS —COWPER AND THURLOW—NORBURY AND MAULE—INSOLVENT DEBTORS' COURT.

WELCH.

THIS popular magistrate succeeded Fielding as one of the Justices of the Peace for Westminster. He received the appointment of High Constable of Westminster, and his contemporaries speak of him with admiration, when, "dressed in black, with a large nine-story George II.'s wig, highly powdered, with long flowing curls

over his shoulders, a high three-cornered hat, and his black bâton tipped with silver at either end, he rode on a white horse to Tyburn with the malefactors." Welch was a tall man, and when in the prime of life, robust and powerful. When the streets were entirely pitched with pebble-stones up to the houses, hackney-men could drive their coaches to the very doors. It happened that Mr. Welch had

good information that a most notorious offender, who had for some time annoyed the Londoners in their walks through the green lanes to Marylebone, and who had eluded the chase of several of his men, was in the first-floor of a house in Rose-street, Long-acre. After hiring the tallest hackney-coach he could select, he mounted the box with the coachman, and when he was close against the house, he ascended the roof of the coach, threw up the sash of the first-floor window, entered the room, and actually dragged the fellow from his bed out at the window by his hair, naked as he was, upon the roof of the coach, and in that way carried the terror of the green lanes down New-street and up St. Martin's lane, amidst the huzzas of an immense throng, which followed him to Litchfield-street.

Mr. Welch died at Taunton Dean, Somerset, in 1784. He was buried in the cemetery belonging to St. George's Church, Bloomsbury, where, within the porch, upon a mural monument, are these lines, written by Sir John Hawkins :

"As long as Themis, with impartial hand,
His blessings shall disperse throughout
this land ;
Or lenient statutes, or vindictive law,
Protect the good, or hold the bad in
awe ;
Or Mercy, blending Grace with Justice,
shed
Her milder beams on the delinquent
head ;
While Probity and Truth shall be re-
ver'd,
And legal power as much belov'd as
feard ;
So long shall fame to each succeeding
day
Thy virtues witness and thy worth
display."

PILLORY PUNISHMENT.

PERSONS fifty years of age may possibly recollect this barbarous punishment, which was inflicted in the streets of our metropolis so lately as the year 1830. It has a curious history. The pillory was a mode of punishment for crimes by a public exposure of the offender, used for many centuries in most of the countries of Europe, under various names. In France it was called *pillorie*, whence the English name. In England it existed before the Norman Conquest.

In England the form of the judgment was that the defendant should be set *in and upon* the pillory. In a case which occurred in 1759, an under-sheriff of Middlesex was fined fifty pounds, and imprisoned for two months, by the Court of King's Bench, because, in executing the sentence upon Dr. Shebbeare, who had been convicted of a political libel, he had allowed him to be attended upon the platform by a servant in livery, holding an umbrella over his head, and to stand without having his neck and arms confined in the pillory. Shebbeare wrote a scandalous paper called *The Monitor*, in which he made a pious resolution of writing himself into a place on the pillory. Horace Walpole calls him a broken Jacobite physician ; he published a bitter letter to the Duke of Newcastle, which occasioned these two lines :

"'Tis below you, dear doctor, to worry an elf,
Who, you know, will defend anything
but yourself."

However, Shebbeare earned his sentence for his "Sixth Letter to the People of England," before the conclusion of the reign of George the Second, and into a pension at the beginning of the next, for one and the same kind of merit—writing against King William and the Revolution! Dr. Johnson and Dr. Shebbeare were pensioned at about the same time. A good saying was then current, that the King had pensioned a He-bear and a She-bear.

One of the most notorious of pilloried offenders was Titus Oates. During the closing years of the reign of Charles II., Oates was protected by the government, and received a pension of 1200*l.* a-year. In the following reign, as might be expected, his enemies revenged themselves. The Duke of York had not long succeeded his brother on the throne before Oates was tried and convicted of perjury, sentenced to imprisonment for life, and to be whipped, and *stand in the pillory at intervals*. The punishment was so rigidly enforced that Hume states it must have been the intention of the government that it should terminate his life; he lived, however, until William III.'s reign, received a pension of 400*l.* a-year, and died at an advanced age. A clever picture of Oates in the pillory at Temple Bar was painted a few years since, and exhibited at the Royal Academy at Trafalgar Square.

Horace Walpole writes, February 14, 1765: "Williams, the re-printer of the *North Briton*, stood in the pillory to-day in Palace Yard. He went in a hackney-coach, the number of which was 45. The mob erected a gallows opposite to him, on which they hung a boot [a jack-boot], in allusion to the Christian name and title of Lord Bute, with a bonnet of straw. Then a collection was made for Williams, which amounted to near 200*l.* [in a *blue* purse, trimmed with *orange*, the colour of the Revolution in opposition to the Stuart]."

The pillory was a Star-Chamber punishment. Down to our time it was the common sentence for perjury. The usual places where the pillory was pitched were, the Royal Exchange, the Old Bailey, Temple Bar, Lincoln's-inn Fields, Charing Cross, New Palace Yard, and Tyburn. About the year 1812, the writer remembers to have seen four men in the pillory, at the north end of Fleet Market, Holborn Bridge. The north-west side of Lincoln's-inn Fields, handy to Clare Market, was another pillory "pitch." From the market the mob came with cabbage-stalks and other vegetable refuse, to pelt the pilloried persons; and not unfrequently stones were thrown. The writer remembers to have heard a *quondam* sheriff declare that on one occasion he determined to keep the mob at a distance by a cordon of peace-officers round the pillory set up in Lincoln's-inn Fields. He was

there in his robe of office and his wand, but was abused by the disappointed mob as much as were the culprits, and narrowly escaped being roughly handled for his humanity.

The last person who stood in the pillory in London was Peter James Bossy, for perjury, in the Old Bailey, June 23, 1830. It was abolished in Great Britain in 1837, by the statute 1 Vict. c. 23, which, reciting that it is expedient to abolish the punishment of the pillory, enacts accordingly that thenceforth judgment shall not be awarded against any person convicted of any offence, that such person do stand in or upon the pillory, any law, statute, or usage to the contrary notwithstanding.

TRIAL OF BET FLINT.

DR. JOHNSON tells a story of Mr. Justice Willes trying one Miss Betty Flint for stealing a counterpane; but his lordship summed up favourably, and the fair prisoner was acquitted. "From an examination of the Sessions Papers," says Mr. Archer Polson, in *Law and Lawyers*, "it would appear that there is some mistake in this last particular." Cunningham, in his *Handbook of London*, gives the following improved version. At "Meard's Court, Drury Lane, in a ready-furnished room, at five shillings a week, lived Bet Flint; tried at the Old Bailey in September, 1758, for stealing a counterpane and other articles from the room she occu-

pied. Boswell tells an amusing but somewhat inaccurate story of her, which he had received from Johnson. The judge, who loved a wench, summed up favourably, and she was acquitted. After which, Bet said with a gay, satisfied air, "Now that counterpane is *my own*, I shall make a petticoat of it."

PUNISHMENT OF THE STOCKS.

IT is curious to note the changes in laws taking place in "cycle and epicycle." The punishment of the *stocks* has scarcely disappeared — nay, portions of the implement itself remain here and there—and we are returning to this almost primitive penalty of disobedience. Nearly five centuries ago the House of Commons prayed the King for the establishment of stocks in every village; and the metropolis had a like terror to evil-doers until some forty years since, when the last stocks were removed from Portugal Street, Lincoln's-inn-fields. Now for the revivalism. Three boys were kept in the stocks at St. Ives, Cornwall, for three hours for having played marbles on Sunday, which mode of punishment had not been adopted in the town for thirty years. This interval of immunity will not, however, compare with that of a small parish in Surrey: on the village green of Abinger are stocks and a whipping-post, but which, to the honour of the parish, are believed never to

have been used. We hear something of a return to *whipping*: should this be requisite in the parish of St. Martin's-in-the-Fields, the authorities may find, in a vault beneath the church, the whipping-post of other days, ready to hand; it has the upper portion ornamented with carving.

THE JUDGE'S "BLACK CAP."

THE coif cap is still worn in undiminished proportions by Judges when they pass sentence of death, and is generally known as the "black cap." In old time the justice, on making ready to pronounce the awful words which consigned a fellow-creature to a horrible death, was wont to draw up the flat, square, dark cap, that sometimes hung at the nape of his neck or the upper part of his shoulder. Having recovered the whiteness of his coif, and partially concealed his forehead and brows with the sable cloth, he proceeded to utter the dread sentence with solemn composure and firmness. At present the black cap is assumed to strike terror into the hearts of the vulgar; formerly it was pulled over the eyes, to hide the emotion of the judge.—*Feaffreson's Book about Lawyers.*

DRESSING FOR COURT.

THE following dialogue took place not very many years ago, between a learned serjeant and a learned Baron of the Exche-

quer, while on circuit. When the serjeant entered the court, one morning, the judge said, in a sharp tone, "Brother, you are late—the Court has waited a considerable time." "I beg your pardon, my lord," answered the serjeant, "I was not aware that your lordship intended sitting so early; the instant I heard your lordship's trumpet I dressed myself." "*You were a long time about it, brother.*" "I think, my lord, not twenty minutes." "Twenty minutes, Mr. Serjeant! *I was ready in five minutes after I left my bed.*" "In that respect," returned the serjeant, "my dog, Shock, distances your lordship hollow; he only shakes his coat, and fancies himself sufficiently dressed for any company."

COWPER STUDYING THE LAW.

COWPER—the gentle, amiable, unhappy Cowper—was destined for the bar. "From the age of twenty-three," he says, "I was occupied, or ought to have been occupied, in the study of the law. At the age of eighteen, being tolerably well furnished with grammatical knowledge, I was taken from Westminster, and, having spent about nine months at home, was sent to acquire the practice of an attorney." Then it was he became acquainted with Thurlow, afterwards Chancellor. To the period of his clerkship he thus alludes in a letter to Lady Hesketh—"I did actually live three years with Mr. Chapman, a solicitor; that

is to say, I slept three years in his house; but I lived, that is to say, I spent my days, in Southampton Row, as you well remember. There was I and the future Lord Chancellor constantly employed, from morning to night, in giggling and making giggle, instead of studying the law. O fie, cousin! how could you do so?" After leaving Mr. Chapman's, which he did when he became of age, he took chambers in the Temple; here, however, he was in no ways more profitably occupied. "Three years," as he observes in a letter to Mr. Unwin, "mis-spent at an attorney's office were, almost of course, followed by several more, equally mis-spent, in the Temple."

He took no pains to qualify himself for practice in his profession, trusting to his trifling patrimony, or to the zeal of his friends for obtaining the means of future subsistence. One evening, during the period of his residence at Mr. Chapman's, Cowper was drinking tea, together with Thurlow, at the house of a lady in Bloomsbury. Addressing his fellow-giggler, he said, "Thurlow, I am nobody, and shall always be nobody, and you will be Chancellor. You shall provide for me when you are." Thurlow smiled, and replied, "I surely will." "These ladies," said Cowper, "are witnesses." The future Chancellor still smiled, and said, "Let it be so, for I certainly will do it." Shortly after his removal to the Temple, Cowper's constitutional malady began to manifest itself.

His law studies have often been supposed to have contributed to promote, if not to produce it; but this is in the highest degree improbable. Those studies were pursued in too desultory a manner to have had such a tendency; but, on the contrary, it is highly probable that had they been pursued more steadily and effectively, and had the unhappy poet, instead of "giggling and making giggle" for the three years he was with Mr. Chapman, devoted himself to the study of his profession, he would have so strengthened and disciplined his mind, as to have enabled it to resist the onslaught of the unhappy delusions to which it afterwards became the prey.

COWPER AND THURLOW.

COWPER considered himself slighted by Thurlow, when the latter arrived at the predicted dignity. But there is strong evidence to show that Thurlow, was not aware that his friend was in indigent circumstances, until the very month that he went out of office for the last time, in fact until the period when he could do nothing for him. That Thurlow had not forgotten his ancient intimacy with the poet, is amply shown by some letters which have not long been published. It seems that Cowper had become persuaded that he was wholly unacceptable to God: in order to combat this delusion, Hayley, his friend, who had become intimate with the ex-Chancellor, applied to various persons, eminent for their station

and piety (the King, the Bishops, the Judges, &c.), to induce them, as of their own accord, to address letters to Cowper, testifying to the service his works had performed to religion and morals. Letters have been found, addressed by Lord Thurlow to Lord Kenyon, earnestly entreating him to aid this plan; and sending him a form, prepared by himself, for the Chief Justice's signature.

THE LOVING CUP.

AT the Inner Temple, on certain grand occasions, it is customary to pass huge silver goblets (silver cups) down the table, filled with a delicious composition immemorially termed "sack," consisting of sweetened and exquisitely flavoured white wine; the butler attends its progress to replenish it, and each student is restricted to a *sip*. Yet it chanced not long since at the Temple, that, though the number present fell short of seventy, thirty-six quarts of the liquid were consumed.—*Quarterly Review*.

HUMOUR OF LORD NORBURY.

LORD NORBURY is stated to have been the most inveterate punster that ever sat upon the Bench.

The story of Cobbett bringing over the remains of Tom Paine's bones, that he might *make a broil*, is well remembered.

A counsel thought that he could overcome the punster on

the Bench. So, one day, when Lord Norbury was charging a jury, and the judge was interrupted by the braying of a donkey, "What noise is that?" cried Lord Norbury. — "'Tis only the echo of the Court, my lord," answered Counsellor Readytongue. Nothing disconcerted, the judge resumed his address; but soon the barrister had to interpose with technical objections. While putting them, again the donkey brayed. "Once at a time, if you please," said the retaliating joker.

On pressing a reluctant witness, one day, to get at his profession, and being at length told he kept a racket-court, "And a very good trade, too," replied the judge, "so do I, so do I."

The registrar of one of the Irish criminal courts complained to his lordship, that the witnesses were in the habit of stealing the Testament after they had been sworn upon it. "Never mind," said his lordship, "if the rascals read the book, it will do them more good than the petty larceny will do them mischief. However, if they are not afraid of cord, hang your books in chains, and that, perhaps, by reminding the fellows of the fate of their fathers and grandfathers, will make them behave themselves." The strange expedient was adopted, and the Testament remained afterwards secure.

A NEW LIGHT.

MR. JUSTICE ASHURST was remarkable for his lank and

sallow physiognomy; on him Erskine indited the couplet :

" Judge Ashurst, with his lanthorn jaws,
Throws light upon the English laws."

TALKING METAPHORS.

MR. (afterwards Sir R.) DALLAS, who was a junior counsel for Warren Hastings, is reported to have said in one of his speeches—"Now we are advancing from the *starlight of circumstantial evidence*, to the *daylight of discovery*; the *sun of certainty* has melted the darkness,—and *we have arrived at the facts admitted by both parties.*" "When I cannot talk sense," says Curran, "I talk metaphor."

Lawyers, whose subject requires from them nothing but plain and unvarnished, are fond of florid, language. The author of the "Pursuits of Literature" has attacked Mr. Hargrave for his literary attempts; and certainly, as the reader must admit, not without justice—

"With Hargrave to the Peers approach
with awe,
And sense and grammar sink in Yorke
and law."

The following is the passage to which the satirist refers:—Of Charles Yorke, Hargrave says, "He was a modern *constellation* of English jurisprudence, whose *digressions* from the exuberance of the best judicial knowledge were illustrations, whose energies were oracles, whose constancy of mind was won into the pinnacle of our English forum, at an inauspicious moment; whose exquisiteness of sensibility at

almost the next moment, from the impression of imputed error, stormed the fort of even his highly-cultivated reason, and so made elevation and extinction contemporaneous; and whose prematurity of fate has caused an almost insuppliable interstice in the science of English equity." The splendid confusion of metaphors in this rhapsody reminds us of the fate of Tarpeia, who sank beneath her ornaments.

JUDGE MAULE.

SIR WILLIAM MAULE was noted for *splitting straws* on the bench, an instance of which is related in connexion with special demurrers. A man was described in a plea as "I. Jones," and the pleader, probably, not knowing his name, referred, in another part of the plea to "I" as an initial. The plaintiff demurred, (*i.e.*, said that the plea was bad), because "I" was not an initial. Sir W. Maule said that there was no reason why a man might not be christened "I" as well as Isaac, inasmuch as either could be pronounced alone. The counsel for the plaintiff then objected that the plea admitted that "I" was not a name by describing it as an initial. "Yes," retorted the judge, "but it does not aver that it is not a *final* as well as an *initial* letter." This is very like Lord Brougham's celebrated decision that a will in which property was left to "the second, third, fourth, and other sons severally and in succession, according to their priority of birth"

(the limitation to the first son having been omitted by a slip of the copying-clerk) gave the property to the elder son because, though neither second, third, nor fourth, he was *another son*.

Judge Maule's humour, though often coarse, was genuine, and very amusing. An admirable specimen of it is given in one of the wittiest speeches ever made. A man being convicted of bigamy, the following conversation took place :—

Clerk of Assize.—What have you to say why judgment should not be passed upon you according to law?

Prisoner.—Well, my lord, my wife took up with a hawker, and ran away five years ago, and I have never seen her since, and I married this other woman last winter.

Mr. Justice Maule.—I will tell you what you ought to have done; and if you say you did not know, I must tell you the law conclusively presumes that you did. You ought to have instructed your attorney to bring an action against the hawker for criminal conversation with your wife. That would have cost you about 100*l*. When you had recovered substantial damages against the hawker, you would have instructed your proctor to sue in the ecclesiastical courts for a divorce *a mensâ atque thoro*. That would have cost you 200*l*. or 300*l*. more. When you had obtained a divorce *a mensâ atque thoro*, you would have had to appear by counsel before the House of Lords for a divorce *a vinculo matrimonii*.

The bill might have been opposed in all its stages in both Houses of Parliament; and altogether you would have had to spend about 1000*l*. or 1200*l*. You will probably tell me that you never had a thousand farthings of your own in the world; but, prisoner, that makes no difference. Sitting here as a British judge, it is my duty to tell you that *this is not a country in which there is one law for the rich and another for the poor*.

It is an almost incredible proof of human stupidity, that the story is usually told without the words we have *italicised*.

A drunken witness leaving the box blurts out, "My lord, I never cared for anything but women and horse-flesh!" *Mr. Justice Maule*.—"Oh, you never cared for anything but women and horseflesh? Then I advise you to go home and make your will, or, if you have made it, put a codicil to it, and direct your executors, as soon as you're dead, to have you flayed, and to have your skin made into side saddles, and then, whatever happens, you will have the satisfaction of reflecting that, after death, some part of you will be constantly in contact with what, in life, were the dearest objects of your affection."

A man being tried for sheep-stealing, evidence was given that he had been seen washing tripe. The counsel for the Crown, in examining the witness, observes with ill-timed delicacy, "He was washing bowels?" "Yes, sir."—"The bowels of an animal, I suppose?" "Yes, sir." The

counsel sits down. *Justice Maule*—"Pray, was it a wren's stomach?"

A barrister opened a case somewhat confusedly. The judge interrupts him. "I wish, Mr. —, you would put your facts in some order; chronological order is the best, but I am not particular. Any order you like—alphabetical order."

The most characteristic, however, of all such stories are those which refer to the irony with which he would occasionally tax the powers of country juries.

Here is a specimen of his irony, in addressing a jury:—

"Gentlemen, — The learned counsel is perfectly right in his law, there is *some* evidence upon that point; but he's a lawyer, and you're not, and you don't know what he means by *some* evidence, so I'll tell you. Suppose there was an action on a bill of exchange, and six people swore that they saw the defendant accept it, and six others swore they heard him say he should have to pay it, and six others knew him intimately, and swore to his handwriting; and suppose, on the other side, they called a poor old man, who had been at school with the defendant forty years before, and had not seen him since, and he said he rather thought the acceptance was not his writing, why there'd be *some* evidence that it was not, and that's what Mr. — means in this case."

Sir William Maule's manner was as characteristic of his understanding as his matter. A

careless observer would have thought him confused, for he hardly ever completed a sentence; but, in fact, he thought much more quickly than he spoke, and saw the end of a second sentence before he had concluded the first. He had also a great contempt for display. When at the bar, he was counsel in a case of great importance which was being argued before the judges, and being asked whether he wished to add anything to his argument, he considered for a moment, and then answered, in reference to a volume which he had handed up to the Bench, "My lord, please give me my book," after which he sat down without another word.

A very stupid jury were called upon to convict a man on the plainest evidence. A previous conviction was proved against him, by the production of the usual certificate and by the evidence of the policeman who had had him in charge. The judge summed up at great length. He told the jury that the certificate was not conclusive; that the question was entirely for them; that policemen sometimes do tell lies, and much else of the kind, concluding as follows:—"And, gentlemen, never forget that you are a British jury, and if you have any reasonable doubt on your mind, God forbid that the prisoner should not have the benefit of it." The jury retired, and were twenty minutes or more before they found out that the judge had been laughing at them, and

made up their minds that the identity was proved.—*Abridged from a clever paper in the Saturday Review.*

DEATH OF A RECLUSE BARRISTER.

IN one of the fine houses in the Adelphi—No. 1, in Adam Street (the house in which lived Dr. Vicessimus Knox, the "British Essayist")—there died, in September, 1863, a recluse of the better class, both as regards station and intellect, and whose sympathies were with the world, though he was, as it were, shut out from its stir. Such was Mr. George Blamire, son of Dr. Blamire, of Carlisle, a gentleman possessed of considerable property, and formerly a barrister. Mr. Blamire had, for nearly twenty years, lived in Adam Street, in almost total seclusion, no person, under any pretence whatever, being allowed to enter the three rooms in his occupation on the first floor. His meals were prepared by his housekeeper, and were left on a tray at the door of the ante-room and then taken in by the deceased; and although many times in a state of ill-health, he refused to have medical aid, but used to have sent in from a chemist's a quantity of different medicines. All communications to him were received in the same way as his meals, and for more than twelve months he never left the house. He is stated to have been very eccentric in his habits, of perfectly sound mind, and capable of managing his

property, which consisted among others of large estates in Cumberland and Cardiff. Death, in such seclusion, must have come with twofold awe. It appears that Mr. Blamire's housekeeper went up, as usual, with his dinner, but received no reply at the door, and although she frequently called him she did not again see him alive. In two days, becoming alarmed, she made a communication to the police, and the door was broken open. The rooms were found strewn with almost every description of valuable property, including a painting of the Crucifixion, 12 feet by 4 feet, and a chimney-glass some 12 feet high. The deceased was found lying back in an arm-chair, quite dead, and in a rapid state of decomposition. There was neither bed nor bedding; and the deceased was stated to have slept in the same chair for forty years. Dr. Alfred Harvey afterwards examined the body and made a *post mortem* examination, from which it was shown that death had resulted from exhaustion, from low fever accelerated by neglect; the verdict returned by the coroner's jury. The deceased was a bachelor, and had no near relatives; he was further said to have been very charitable and honourable.

Mr. Blamire appears also to have adopted a somewhat eccentric course with his wine cellars. Upon the death of his father, Dr. Blamire, in 1834, a large quantity of the Doctor's choice wines and spirits was walled up in a vault beneath a public

court in Carlisle. Ten years later, at the suggestion of a friend, the vault was opened for the purpose of substituting stone for wooden bins, but was again walled up, and so remained until it was opened for the purposes of sale in February, 1865. The wines and spirits were sold for 1700*l.*, some of the wines producing 36*l.* per dozen. From authentic records it can be certified that part of the rum was bottled in 1720; it was re-corked in 1826, and was thus upwards of 144 years old. Several lots of the rum 144 years old were bought at 26*s.* and 27*s.* a bottle, and for one lot 60*s.* a bottle was realized.

THE INSOLVENT DEBTORS COURT.

ONE of the most felicitous sketches of the life of London, which Mr. Charles Dickens has written, is that of the Insolvent Debtors' Court, in his *Pickwick Papers*, 1837. It has no exaggeration or caricature, yet it is an admirable piece of quiet humour; and it is a remarkable instance of the author's great power of humour, being exercised without any appearance of effort, or over-strained effect. The Court here sketched exists no longer but in our great humourist's sketch:—

"In a lofty room, badly lighted, and worse ventilated, situate in Portugal Street, Lincoln's Inn Fields, there is, nearly the whole year round, one, two, three, or four gentlemen in wigs, as the case may be, with little

writing-desks before them, constructed after the fashion of those used by the judges of the land, barring the French polish; a box of barristers on their right hand, an enclosure of insolvent debtors on their left; and an inclined plane of most especially dirty faces in their front. These gentlemen are the Commissioners of the Insolvent Court, and the place in which they sit is the Insolvent Court itself.

"It is, and has been, time out of mind, the remarkable fate of this Court to be somehow or other held and understood by the general consent of all the destitute, shabby-genteel people in London as their common resort, a place of daily refuge. It is always full. The steams of beer and spirits perpetually ascend to the ceiling, and being condensed by the heat, roll down the walls like rain. There are more old suits of clothes in it at one time than will be offered for sale in all Houndsditch for a twelvemonth; and more unwashed skins and grizzly beards than all the pumps and shaving-shops between Tyburn and Whitechapel could render decent between sunrise and sunset.

"It must not be supposed that any of these people have the least shadow of business in, or the remotest connexion with, the place they so indefatigably attend. If they had, it would be no matter of surprise, and the singularity of the thing would cease at once. Some of them sleep during the greater part of the sitting; others carry small

portable dinners wrapped in pocket-handkerchiefs, or sticking out of their worn out pockets, and munch and listen with equal relish ; but no one among them was ever known to have the slightest personal regard in any case that was ever brought forward. Whatever they do, there they sit from the first moment to the last. When it is heavy, rainy weather, they all come in wet through ; and at such times the vapours of the Court are like those of a fungus-pit.

"A casual visitor might suppose this place to be a temple dedicated to the Genius of Seediness. There is not a messenger or process-server attached to it who wears a coat that was made for him ; not a tolerably fresh or wholesome-looking man in the whole establishment, except a little white-headed apple-faced tipstaff, and even he, like an ill-conditioned cherry preserved in brandy, seems to have artificially dried and withered up into a state of preservation, to which he can lay no natural claim. The very barristers' wigs are ill-powdered, and their curls lack crispness.

"But the attorneys, who sit at a large bare table below the Commissioners, are, after all, the greatest curiosities. The professional establishment of the more opulent of these gentlemen consists of a blue bag and a boy, generally a youth of the Jewish persuasion. They have no fixed offices, their legal business being transacted in the parlours of public-houses, or the yards of prisons, whither they repair in

crowds, and canvass for customers, after the manner of omnibus cads. They are of a greeny and mildewed appearance ; and if they can be said to have any vices at all, perhaps drinking and cheating are the most conspicuous among them. Their residences are usually on the outskirts of the 'Rules,' chiefly lying within a circle of one mile from the obelisk in St. George's Fields. Their looks are not prepossessing, and their manners are peculiar."

THE LAST WITCHES HANGED IN ENGLAND.

THE destruction of the old notions respecting witchcraft was effected, so far as the educated classes are concerned, between the Restoration and the Revolution—that is to say, in 1660, the majority of educated men still believed in witchcraft ; while in 1688 the majority disbelieved it. In 1665, the old orthodox view was stated by Chief-Baron Hale, who, on a trial of two women for witchcraft, said to the jury—"That there are such creatures as witches, I make no doubt at all ; for, first, the Scriptures have affirmed so much ; secondly, the wisdom of all nations hath provided laws against such persons, which is an argument of confidence of such a crime." This reasoning was irresistible, and the witches were hung ; but the change in public opinion began to affect even the judges, and after this melancholy exhibition of the Chief Baron's, such

scenes became gradually rarer. Three persons were executed at Exeter for witchcraft in 1682, and Hutchinson says, "I suppose these are the three last that have been hanged in England." Dr. Parr, however, states that two witches were hung at Northampton in 1705; and that in 1712, five other witches suffered the same fate at the same place. (*Parr's Works*, vol. iv. p. 182.) This is the more shameful, because a disbelief in the existence of witches had become almost universal among educated men; though the old superstition was well defended on the judgment-seat and in the pulpit. However, all was in vain; every year diminished the old belief; and in 1736 the laws against witchcraft were repealed, and another vestige of superstition effaced from the English statute-book.—Note to Buckle's *History of Civilisation in England*, vol. i. p. 334.

"All our executions for this dubious crime" (says Stephen) "are now at an end; our legislature having at length followed the wise example of Louis XIV. in France, who thought proper, by an edict, to restrain the tribunals of justice from receiving information of witchcraft. And accordingly it is with us enacted, by statute 9 Geo. II. c. 5, that no prosecution shall for the future be carried on against any person for witchcraft, sorcery, enchantment, or conjuration; or for charging another with any such offence. But by the same statute persons pretending to use witchcraft, tell fortunes, or discover stolen

goods, by skill in any occult or crafty science, are punishable by imprisonment; and by 5 Geo. IV. c. 83, persons using any subtle crafty means or device, by palmistry or otherwise, to deceive his Majesty's subjects, are to be deemed rogues and vagabonds, and to be punished with imprisonment and hard labour."

PUNISHMENT AND REFORMATION.

THE opinion of so upright and experienced a judge as the late Baron Alderson upon the question of punishment and reformation are entitled to special regard. This judge looked with great suspicion on the humanitarian movement, which threatened to efface the idea of punishment altogether, and treat criminals merely as the victims of a disease, only differing from other diseases in being remarkably inconvenient to society. He did not look hopefully on any of the schemes for the reform of adult prisoners of which, a few years ago, the speeches of philanthropists were full. It must be added, that it was with very little more hope that he looked on the deterring influence of punishment. The following answers given to a Committee of the House of Commons by so experienced a judge do not leave the mind in a very sanguine state with respect to our criminal legislation:—

"I do not think that mere imprisonment has much terror for offenders: to many who are brought to crime through great

distress it is, I believe, a great boon. . . . I believe crime to be a chronic disease, and not curable by a short process, if curable at all. It follows that I disapprove of short periods of imprisonment as for this purpose useless. I adopt them, because in the present state of our prisons I do not think reformation likely to follow from a long imprisonment there, but rather the reverse. . . . I have no great hopes that any good effect would follow from adopting these suggestions [working prisoners in gardens or factories]. The more you adopt gentle means for reform, the less dread you leave on the minds of the offenders and their friends. The latter even become desirous that their relations should be subjected to the discipline; and this actually in the cases of children operates very ill, making the parents less regardful of their duties. But this is no reason for not making an attempt at reform. . . . I think the deterring effect of punishment generally is not very great. The chances of escape are great, if a criminal were to calculate them. I remember hearing it proved, when people were hanged for uttering one-pound notes, that such notes sold currently for twelve shillings a-piece. The risk of death was then run for the possible gain of eight shillings on an expenditure of twelve shillings."

NO JUDGE.

A CERTAIN judge of our time having somewhat hastily de-

livered judgment in a particular case, a King's Counsel observed, in a tone loud enough to reach the bench, "Good heavens! every judgment of this Court is a mere toss-up." "But *heads* seldom win," observed a learned barrister sitting behind him. On another occasion this wit proposed the following riddle for solution: "Why does — (the judge in question) commit an act of bankruptcy every day?" The answer was, "Because he daily gives a judgment without consideration."

THE BRIBE RETURNED.

A WATCHMAKER, having a cause dependent before Lord-Keeper Wright, sent him a handsome clock a few days before it came on to be heard. Sir Nathan returned the time-piece, with the observation, "I have no doubt of the goodness of the piece, but it has one motion in it too much for me."

POWER OF FAITH.

"I CAN conceive," said Lord Erskine, "a distressed but virtuous man, surrounded by his children, looking up to him for bread when he has none to give them; sinking under his last day's labour, and unequal to the next, yet still supported by confidence in the hour when all tears shall be wiped from the eyes of affliction, bearing the burden laid upon him by a mysterious Providence, which he adores, and anticipating with exultation the revealed promise of his Creator, when he shall

be greater than the greatest, and happier than the happiest of mankind."

WESTMINSTER HALL.

It is to be numbered among the proudest achievements of England, that while the peculiar doctrines of her own common law have been cultivated and illustrated by her lawyers, and administered by her judges with a sagacity and learning and ability rarely equalled, and never excelled, Westminster Hall has promulgated the more enlarged liberal principles of her commercial jurisprudence with a practical wisdom and enlightened policy which have commanded the respect of the world, and silently obtained for it an authority and influence more enviable and more extensive than even those acquired by her arts and her arms.—*Dr. Story.*

PUNS IN COURT.

MR. THOMAS COWPER seems to have been the Jekyll of his day. When Judge Lawrence was at the bar, he sat in court immediately behind Cowper. The latter having thrown his leg across his knee, on which there was a handsome silk stocking, Lawrence observed, "What a handsome clock you have got to your stocking." "Yes," replied Cowper, "it is a *striking* clock!" In the case of prohibition from the court of the bishop of Salisbury, of which Mr. Calvert was the judge, it

became a question whether that judge had decided the whole question, or a collateral point only. When the opposite counsel were contending that the doctor had decided the whole of the question, "You want," said Cowper, "to force *Calvert's Entire* down our throats."

PLAIN SPEAKING.

AT the St. Augustine's (Kent) Sessions, in an appeal case, a witness was asked by Sir Edward Knatchbull, to relate what took place between him and his master, which he did as follows:—"I told him he was a liar." *Chairman*: "Very improper language."—*Witness*: "Can't help that; I am come here to speak the truth, and you've got it."

OPEN CONFESSION.

AN old attorney said, a little before his death, that he had been reckoned a very great rascal, and believed he was so, for he had done many roguish and infamous things in his profession; "but," added he, "by what I can observe of the rising generation, the time may come, and you may live to see it, when I shall be accounted a very honest man in comparison with those attorneys who are to succeed me."

FEEES.

A GENERAL retainer of 1000 guineas was brought to Topping, to cover the Baltic cases

then in progress. His answer was, that this indicated either a doubt of his doing his duty on the ordinary terms known to the profession, (one guinea, particular, or five guineas, general retainer,) or an expectation that he should do something beyond the line of his duty ; and therefore he must decline it. His clerk then accepted the usual fee of five guineas, and he led on these important cases for the defendants.—*Lord Brougham.*

A CERTAIN Serjeant was once arraigned before the Circuit mess for unprofessional conduct in taking silver from a client, when he defended himself by saying, "I took all the poor devil possessed in the world, and I hope you don't call that unprofessional." But the learned Serjeant was fined notwithstanding.

THERE is an opinion current in the minds of the public, that the bar is a profession, in a pecuniary sense, highly profitable, and a few instances of immense fortunes which have been made in it have been pointed to as evidencing the justice of this opinion. Sir Samuel Romilly is said to have realised an income of upwards of £15,000 a year, at the latter end of his life ; and in our own days, enormous retaining fees have, on several occasions, been given to counsel. Sir Charles Wetherell is known to have received 7000 guineas for opposing the Municipal Corporations' Bill at the bar of the House of Lords ; and it is generally understood that the late Lord Truro's retaining fee, in the case of the British Iron Company

against Mr. Attwood, was not less than 3000 guineas. The fee indorsed on the brief was 1000 guineas.

A COURTEOUS JUDGE.

JUSTICE GRAHAM was the most polite judge that ever adorned the bench. On one occasion it was said he had hastily condemned a man, who had been capitally convicted, to transportation, when the clerk of the Court, in a whisper, set him right. "Oh," he exclaimed, "criminal, I beg your pardon ; come back : " and putting on the black cap courteously apologised for his mistake, and consigned him to the gallows, to be hanged by the neck until he was dead. To one found guilty of burglary, or a similar offence, he would say, "My honest friend, you are found guilty of felony, for which it is my painful duty," &c., &c. Among other peculiarities he had a custom of repeating the answers made to him, as illustrated in the following dialogue :—"My good friend, you are charged with murder : what have you to observe on the subject ?" "Eh, my lord !" "Eh, how did it happen ?" "Why, my lord, Jem aggravated me, and swore as how he'd knock the breath out of my body." "Good ; he'd knock the breath out of your body—and what did you reply ?" "Nothing ; I floored him." "Good ; and then——" "Why, then, my lord, they took him up and found that his head was cut open." "His head was cut

open—good ; and what followed?" "After that, my lord, they gathered him up to take him to the hospital, but he died on the road." "He died on the road ; very good."—*London Review*.

UNEXPECTED RESULT.

SERJEANT COCKLE'S convivial powers were most remarkable. He was once retained in a very important case to be tried at York, and attended a consultation the night previously to determine on the line of defence. To the consternation of his client, the Serjeant entered the room in a state of intoxication, and plainly showed that he was in no condition to attend to any business. He assured the attorney, however, that "all would be right in the morning," an assurance which did not give him much comfort. Cockle then tied a wet napkin round his head, and desired his junior, Mr. Maude, to inform him of the principal points in the case. After this he went to sleep for a few hours, and presented himself in the court next morning as fresh and ready as if he had passed the night in a very different manner. He cross-examined the witnesses with his usual tact and judgment, and his address to the court was as spirited and as forcible as any he had ever delivered. Not only did he succeed in obtaining a verdict for his client, but is said to have distinguished himself in a greater degree than he had ever done before.

JAMES SMITH AND JUSTICE HOLROYD.

FORMERLY, it was customary on emergencies for the Judges to swear affidavits at their dwelling houses. Smith was desired by his father to attend a Judge's chambers for that purpose ; but being engaged to dine in Russell-square, at the next house to Mr. Justice Holroyd's, he thought he might as well save himself the disagreeable necessity of leaving the party at eight, by despatching his business at once ; so, a few minutes before six he boldly knocked at the Judge's, and requested to speak to him on particular business. The Judge was at dinner, but came down without delay, swore the affidavit, and then gravely asked what was the pressing necessity that induced our friend to disturb him at that hour. As Smith told his story, he raked his invention for a lie, but finding none fit for the purpose, he blurted out the truth :—"The fact is, my Lord, I am engaged to dine at the next house—and—and——" "And, sir, you thought you might as well save your own dinner by spoiling mine?" "Exactly so, my Lord ; but——" "Sir, I wish you a good evening." Though Smith brazened the matter out, he said he never was more frightened.

SETTLING A VERDICT.

ONE of a common jury declared to Mr. Samuel Warren, that in a certain case he

had resolved to give a verdict for the defendant; but that all the others had determined to give a verdict for the plaintiff; and after several hours' altercation, they put four slips of paper into a hat, bearing respectively the four sums of one farthing, fifty pounds, four hundred pounds, and *one thousand pounds!* It was agreed that the foreman should draw out one of them, and the verdict be accordingly; and he drew the slip which bore the sum of four hundred pounds. This is only one of too many stories that might be told, to show that wisdom does not always dwell in the jury-box.

PROVING AN ALIBI.

THE usual defence of a thief, (says H. Fielding, on the *Increase of Robbers*), especially at the Old Bailey, is an *alibi*; to prove this by perjury is a common act of Newgate friendship; and there seldom is any difficulty in procuring such witnesses. I remember a felon to have been proved to have been in Ireland at the time the robbery was sworn to have been done in London, and acquitted; but he had scarce gone from the bar when the witness was himself arrested for a robbery committed in London, at that very time when he swore both he and his friend were in Dublin; for which robbery, I think, he was tried and executed.

LAW OF PRINTED LIBEL.

IN the reign of Charles II., Scroggs (that infamous chief

justice of the King's Bench), and all other judges, declared under their hands "that to print or publish any new book or pamphlet of news whatsoever, is illegal; that it is a manifest intent to the breach of the peace, and they may be proceeded against by law for an illegal thing."

EXCUSE FOR LIBEL.

THE following odd satire was read in the Court of King's Bench, in 1783, upon a trial for defamation:—"An artist very much admires the picture of the reverend Parson Clarke in the exhibition, where he is drawn at full length, in a beautiful landscape, with a large tree, and attended by his dog. He thinks, however, that the tree wants *execution*, and that the painter has not done *justice* to the *dog*." Lord Mansfield, before whom the case was tried, observed that "he should be apt to excuse the libel for the sake of the wit."

THE WEARY ROUND.

JEKYLL, the witty lawyer, on visiting Colman the younger, when the latter took up his abode in the Temple, looked round the apartment to see if his young friend was comfortably established. He was amused with a squirrel in his revolving cage, performing the same operation as a man on a treadmill, or a donkey in a wheel. He looked for a minute or two at the little animal, and

then quietly observed, "Ah, poor devil, he is going the home circuit."

UNINTELLIGIBLE HAND-WRITING.

IN a case tried at Monmouth before Mr. Baron Garrow, that learned judge took occasion to remark upon the obscurity of the handwriting of the Mayor of Bristol, who, he said, had signed his name in a very fine and clerk-like hand, and with a great number of flourishes, but in a way that was quite unintelligible to those who did not previously know what his name was. This, the learned judge observed, was by no means a singular instance; for a respected friend of his in the city of London, would sign his name on the outside of letters, in such a way as to defy the skill of every man in court, even if assisted by the greater sagacity of the other sex, in finding out what his signature could possibly be meant for. The Post-office, indeed, knew that a certain number of straight strokes up and down meant W. Curtis; but probably that was not because they could read the signature, but because nothing else at all like it ever came there.

EPITAPH, BY THOMAS MOORE.

Here lies John Shaw,
Attorney-at-Law;
And when he died,
The devil cried,
"Give us your paw,
John Shaw,
Attorney-at-Law."

LAWYERS IN PARLIAMENT.

LAWYERS are often too anxious to get into Parliament; the advice given to Mr. Windham by Mr. Horne Tooke was—not to look out for a seat till he had pretensions to be made Solicitor-General.

GALWAY JURIES.

IT is a fact not very generally known beyond the precincts of our Courts of Law, that the Galway Juries have a character for intelligence and integrity beyond that of any other juries in Ireland. Whenever there is a weighty difficulty, or complicated case, to be tried, it is always desired by the party to whom a just decision is an object to bring it before a *Galway Jury*.—*Dublin University Magazine*, 1840.

OATH OF THE JUDGES IN THE ISLE OF MAN.

"BY this book and the holy contents thereof, and by the wonderful works that God hath miraculously wrought in heaven above, and in earth beneath, in six days and seven nights I do swear that I will, without respect of favour or friendship, love or gain, consanguinity or affinity, envy or malice, execute the laws of this isle justly between our sovereign lord the King and his subjects within this isle, and betwixt party and party, as indifferently as the herring's backbone doth lie in the midst of the fish."
Wood's Account of the Isle of Man.

SENSITIVE THOMAS DAY.

DAY was educated at a school in Stoke Newington and at the Charterhouse, and even then his peculiar disposition began to show itself. He never played with his school-fellows, and he spent all his pocket-money in acts of charity. "He would gather a posy of wild flowers, and enjoy the song of the lark as she carolled on her ethereal way, but his sensitive spirit would not permit him to rob a poor bird's-nest." At sixteen he began a three years' residence at Oxford, and three other years were spent in the Middle Temple. But law was not to his taste. Having Sir William Jones for a fellow-student, and a friend in after-life, we are told how one day they were taking down an old book, when a large black spider was dislodged and fell to the floor. "Day," cried Jones, "kill that spider." "No," said Day deliberately, "I will not kill that spider. I do not know that I have a right to kill it. Suppose when you were going in your coach to Westminster Hall, a superior being who perhaps may have as much power over you as you have over that spider, should say to his companion 'kill that lawyer,' how should you like that, Jones?" "And I am sure, to most people, a lawyer is a more noxious animal than a spider."

BREACH OF CONFIDENCE.

SOME years ago (relates Mr. Samuel Warren), a mercantile

case of considerable magnitude was depending in the Court of Queen's Bench, in which, though the pleadings were unavoidably complicated and voluminous, the merits lay within a nut-shell; and seemed to be so clearly with the plaintiff, that he could not comprehend what the defendant meant by persevering in his determination to incur the heavy cost of a trial before a special jury in London. Again and again were the pleadings and proofs anxiously reviewed, but displayed nothing warranting the defendant's pertinacity. The Lord Chief Baron of the Exchequer led for the plaintiff, and Sir William Follett for the defendant; and at the plaintiff's consultation all his three counsel expressed their curiosity to know what the defendant could be about; and the day of trial was awaited with no little anxiety. Now, mark! On the afternoon of the day but one before that fixed for the cause to come on, a young clerk of the defendant's attorney was dining at Dolly's chop-house with a friend, whom he was telling of a "great commercial case" in their office, in which Sir William Follett was going to nonsuit the plaintiff, because of a flaw in the declaration—a defective breach—insupport of which a considerable number of witnesses were coming up on behalf of the plaintiff from Cheshire. He mentioned what the defect was, and that was distinctly overheard by one of the plaintiff's principal witnesses, whose person was unknown to the speaker, and who hastening

his dinner, started off to the plaintiff's attorney, and told him what he had heard. The attorney instantly drove off to his junior counsel; a second consultation was fixed; the blot was acknowledged to exist, to the consternation of the plaintiff's attorney, a very able and vigilant practitioner, who had bestowed great pains on the case. An effort was made, unsuccessfully, to amend; the record was therefore withdrawn, and the witnesses were sent back. The declaration was ultimately amended at a fearful cost, all expenses previously incurred being, of course, thrown away. Before the cause had become ripe, however, for trial, the plaintiff died; the defendant, a foreign merchant, fell into embarrassed circumstances; and the executors of the plaintiff recovered nothing. The slip in the declaration had been made by the junior counsel, a consummate pleader, whose large practice occasioned him to draw the declaration, which was long and intricate, in too much haste.

ALMANACKS IN EVIDENCE.

MR. S. WARREN relates the following anecdote which serves to exemplify how necessary it is upon any important occasion to scrutinise the accuracy of a statement before it is taken upon trust. A fellow was tried at the Old Bailey for highway robbery, and the prosecutor swore positively to him, saying he had seen his face distinctly, for it was a bright moon-

light night. The counsel for the prisoner cross-questioned the man so as to make him repeat that assertion, and insist upon it. He then affirmed that this was a most important circumstance, and a most fortunate one for the prisoner at the bar: because the night on which the alleged robbery was said to have been committed was one in which there had been no moon: it was then during the dark quarter! In proof of this he handed an almanack to the bench,—and the prisoner was acquitted accordingly. The prosecutor, however, had stated everything truly; and it was known afterwards that the almanack with which the counsel came provided, had been prepared and printed for the occasion.

CHARTIST TRIALS.

SIR JOHN COLERIDGE, who presided as judge, at the trials of Feargus O'Connor and O'Brien, observes that for the most part, its members appeared to have been honest, but misguided persons. He had no doubt if the movement had not been suppressed that it would have led on to plunder and havoc, and that blood would have flowed like water, for the occupation and habits of these men made them a hard-handed and stern race. The way in which some of them defended themselves was remarkable; although speaking with a Lancashire pronunciation, which was very difficult to understand, they, nevertheless,

spoke pure English, and quoted—not the words of Tom Paine and other infidel writers, but such writers as Algernon Sidney, Sir William Jones, John Locke, and John Milton. There were men among them who, after working ten or twelve hours a-day, had been diligent readers, and were better English scholars than many of the jurymen who tried them.

THE PRACTICE OF THE LAW

Is not altogether—certainly, unless corrected by other studies—favourable to the promotion of those comprehensive and liberal views which should characterise the statesman. “Whilst it sharpens the edge it narrows the blade,” as Coleridge observes. Sir James Marriott, an Admiralty Judge, in addressing the House of Commons on the question of American taxation, declared, “that it appeared to him that the matter had been mistaken throughout the whole argument. It had been contended that America should not be taxed, because she was not represented. But the assertion is untrue, seeing that, when we took possession of America, we did so *as part and parcel of the manor of East Greenwich, in the county of Kent.*”

Footc used to say of Clayton, Chief Justice of the King's Bench in Ireland, and who was an Englishman, and knew very little of the laws and customs of the country in which his judicial duties lay, that one day he observed to

Mr. Harwood, a barrister eminent alike for his learning and his wit, that “numerous as were the English laws, one was found to be a key to the other; whereas here,” said he, “it is just the contrary, as your laws are so continually clashing, that, upon my word, at times *I don't clearly understand them.*” “Very true, indeed, my lord, replied Harwood with the utmost gravity, *that is what we all say.*”

TRANSPORTATION SENTENCE.

AN attorney, who had held a respectable standing in society, happened some years since to be transported for breach of trust. Some one was bewailing his fate, and saying that he did not deserve it. “It is a most dangerous precedent,” said a disappointed practitioner, who had been scraping together all the jokes he could muster against the law; “for if every solicitor, guilty of breach of trust, were to be transported, we should have the thinnest courts and the most crowded colonies in the whole civilised world.”

A COURAGEOUS LAWYER.

CHIEF JUSTICE SIR ALEXANDER COCKBURN relates the following amusing incident in his legal career. He recollected once that a medical man of vast attainments drew up a Report, which was read in court. He (the Chief Justice) was counsel on the other side, and the Report being couched in bombastic and pedantic language, he

turned it into ridicule and got the verdict. On grounds which he explained he believed the verdict was right. Some time after he fell ill, and he sent for the doctor whose report he had ridiculed. The doctor said to him, "Well, I thought you were a clever fellow, but I have altered my opinion." "How so?" he (the speaker) asked. "Because," replied the doctor, "you are foolish enough, after speaking of my Report in the way you did, to put yourself under my care." The doctor, however, treated him with skill, and he soon recovered.

CERTAIN AND UNCERTAIN.

WHEN the Chief Baron Thompson was on circuit, at the Judge's dinner, there was present a learned dignitary of the Church, who did ample justice to all the good things on the table. The cloth having been removed, "I always think, my lord," said the reverend gentleman, "that after a good dinner a *certain* quantity of wine does a man no harm." "Oh! no, sir; oh! no, by no means," replied the Chief Baron, smiling, "it is the *uncertain* quantity that does the mischief."

THE LONGEST LAW-SUIT.

IN 1842, a paragraph appeared in one of two of the London newspapers, headed the "Longest Law-suit," in which both facts and names are sadly blundered. The famous "Berkeley suit," lasted upwards of 190 (instead of 120) years; having commenced shortly after the death of Thomas

fourth Lord Berkeley, in the fifth of Henry V. (1416), and terminated in the seventh of James I. (1609). It arose out of the marriage of Elizabeth, only daughter and heiress of the above Baron, with Richard Beauchamp, Earl of Warwick, their descendants having continually sought to get possession of the Castle and Lordship of Berkeley, which not only occasioned the famous law-suit in question, but was often attended with the most violent quarrels on both sides, at least during the first fifty years or more. In the year 1469 (tenth of Edward IV.), Thomas Talbot, second Viscount Lisle, great-grandson of the above Elizabeth, residing at Wotton-under-Edge (not *Wotton under Hedge*!), was killed at Nibley Green, in a furious skirmish between some 500 of his own retainers and about as many of those of (William (then) Lord Berkeley whom he had challenged to the field), who likewise headed his men; when, besides the brave but ill-fated young Lisle (scarce of age at that time), about 150 of their followers were slain, and 300 wounded, chiefly of the Wotton party, who fled on the fall of their leader. Lord Lisle's sisters were his heirs, and their husbands (one of whom also got the title) followed up the suit, as their descendants did after them, till down to the time of the first James, when Henry, eleventh Lord Berkeley, obtained a decree in favour of his claims, and got full and quiet possession of the lands and manors in dispute.

SHARP PRACTICE.

MR. SAMUEL WARREN relates a case where a client of his had his declaration on a bill of exchange demurred to, because, instead of the words "in the year of our Lord, 1834," he had written "A.D. 1834." The learned counsel (Mr. Warren) relates that he attended Mr. Justice Littledale at chambers, to endeavour to get the demurrer set aside as frivolous, or leave to amend on payment of a shilling; but that punctilious, though very able and learned judge, refused to do either. "Your client, sir," said he, "has committed a blunder, sir, which can be set right only on the usual terms, sir. A.D., sir, is neither English nor Latin, sir. It may mean anything—or nothing, sir. It is plain, sir, that here is a material and traversable fact, and no date to it, sir;" and so forth: whereupon he dismissed the poor summons, with costs! The demurrer had been spun out by a pleader to an inconceivable length, in ringing the changes on the above one objection, and Mr. Warren's client had positively to pay out of his own pocket between seven and eight pounds.

LAWYERS' BLUNDERS.

GENERAL knowledge is unquestionably necessary for the lawyer. Ludicrous mistakes have frequently occurred through the deficiencies of some of them in this respect. We have heard an anecdote somewhere of an emi-

nent barrister examining a witness in a trial, the subject of which was a ship. He asked, amongst other questions, "Where the ship was at a particular time?" "Oh!" replied the witness, "the ship was then in quarantine." "In Quarantine, was she? And pray, sir, *where* is Quarantine?" Another instance, given by Mr. Chitty, of the value of general knowledge to the lawyer, is worth citing. It is well known that a judge was so entirely ignorant of insurance causes, that, after having been occupied for six hours in trying an action on "a policy of insurance upon goods (Russia duck) from Russia, he, in his address to the jury, complained that no evidence had been given to show how Russia ducks (mistaking the *cloth* of that name for the *bird*) could be damaged by sea-water, and to what extent."

LOSS OF A LETTER.

AN attorney's clerk had omitted *one single letter* in making the copy of a writ of *capias*, to be served upon a defendant, who was clandestinely going off to India, owing a widow lady a large sum of money, which she had lent him. She accidentally discovered, however, what he was about, and instantly communicated with her attorney, in such a state of alarm as may be easily conceived. He was an able and energetic practitioner; and within a few hours' time had got a *capias* issued against the dis-

honourable fugitive; and accompanied by an officer, succeeded in arresting the debtor, just as he was stepping into a steamboat to go to the ship, which was expected to sail from Gravesend on that day or the ensuing one. You may guess the consternation with which he found himself thus overtaken; but it scarcely equalled that with which the attorney received, early the next day, the copy of a rule, which had been obtained by the defendant, calling on the plaintiff to show cause why the defendant should not be discharged out of custody, on entering a common appearance, on the ground of a variance between the writ and the copy served; the discrepancy being between the words "sheriffs of London" in the one, and "sheriff of London" in the other. Eminent counsel were instantly instructed to show cause, and struggled desperately to discharge the rule; but in vain. "It is better," said the tranquil Chief Justice Tindal, "to adhere to a general rule, capable of application in all cases, than to raise an argument on every imperfection in a copy, as to the materiality or immateriality of the error, and thereby offer a premium on carelessness." So the rule was made absolute and the defendant discharged. He went to India; and it is sadly feared that he never made his appearance here again; so that the widow lost all that he owed her, and which, but for this wretched mistake, she would, in all human probability, have recovered.—*Samuel Warren.*

HORNE TOOKE AND WILKES.

HORNE TOOKE having challenged Wilkes, who was then sheriff of London and Middlesex, received the following cutting reply: "I do not think it my business to cut the throat of every desperado that may be tired of his life; but as I am at present High Sheriff of the City of London, it may happen that I shall shortly have an opportunity of attending you in my official capacity, in which case I will answer for it that *you shall have no ground to complain of my endeavours to serve you.*"

COURTS OF APPEAL.

So long as the losing party in a suit has hopes of a different decision, or hopes of his adversary's purse or patience failing, an appeal still lies. "There was a case," says Dr. Nicholl, "in which the cause had originally commenced in the Archdeacon's Court at Totness, and thence there had been an appeal to the Court at Exeter, thence to the Arches, and thence to the Delegates; after all, the question at issue having been simply, which of two persons had the right of hanging his hat on a particular peg!"

WAGER OF BATTLE IN 1817.

MR. HENRY CRABB ROBINSON, in his *Diary*, records:—"I witnessed to-day (November 17th) a scene which would

have been a reproach to Turkey, or the Emperor of Dahomey—a Wager of Battle in Westminster Hall. Thornton was brought up for trial on an appeal after acquittal for murder. No one seemed to have any doubt of the prisoner's guilt; but he escaped, owing to the unfitness of a profound real-property lawyer to manage a criminal trial. For this reason the public sense was not offended by recourse being had to an obsolete proceeding. The court was crowded to excess. Lord Ellenborough asked Reader whether he had anything to move, and he having moved that Thornton should be permitted to plead, he was brought to the bar. The declaration, or count, being read to him, he said, 'Not guilty: and this I am ready to defend with my body.' At the same time he threw a large glove or gauntlet on to the floor of the court. 'Though we all expected this plea, yet we all felt astonishment—at least I did—at beholding before our eyes a scene acted which we had read of as one of the disgraceful institutions of our half-civilised ancestors. No one smiled. The judges looked embarrassed.'

The appellant, the brother of the murdered woman, not feeling himself justified in accepting the challenge, the murderer was discharged. In consequence of the above revival of this barbarous practice, a bill was brought in by the then Attorney-General, and was passed into a law by which wager of battle and all similar proceedings were entirely abolished. The preamble of

the bill is very short and pithy. "Whereas appeals of murder, treason, felony, or other offences, and the manner of proceeding therein, have been found oppressive, and the trial by battle in any suit is a mode of trial unfit to be used; and it is expedient that the same should be wholly abolished."

LORD CHESTERFIELD'S WILL.

THE Earl of Chesterfield built Stanhope Street, the street leading from his mansion into Park Lane. The ground belonged to the Dean's Chapter of Westminster, with whom the Earl considered he had a hard bargain, as appears by the following clause in his will, with Lord Mahon's comment thereon:

"In case my said godson, Philip Stanhope, shall at any time hereafter, keep, or be concerned in keeping of, any race-horses or pack of hounds; or reside one night in Newmarket, that infamous seminary of iniquity and ill-manners, during the course of races there; or shall resort to the said races; or shall lose, in any one day, at any game or bet whatsoever, the sum of 500*l.*,—then, in any of the cases aforesaid, it is my express will that he, my said godson, shall forfeit and pay out of my estate the sum of 500*l.*, for the use of the Dean and Chapter of Westminster."

The Earl had doubtless found the Chapter of Westminster of that day exorbitant and grasping in their negotiation with him for

the land; "and he declared, that he now inserted their names in his will, because he felt sure that, if the penalty should be incurred, they would not be remiss in claiming it."

LORD FOLEY'S WILL.

LORD FOLEY, finding his two sons inordinately addicted to gambling, left the bulk of his property to the son of his eldest son, and only gave a life income to the two brothers. The sons, who had reckoned on their father's death to clear off their gambling debts, actually attempted to get an Act of Parliament passed to set aside the will; and so strong was the pressure exercised by a fashionable society, which thought it very hard on two fine young men to be kept from gambling, that the Bill all but passed through the Lords, and Lord Mansfield and Lord Camden retired rather than vote against it. Charles Fox, for whom the two brothers were bound to the extent of 40,000*l.*, did not hesitate to use all his great social and Parliamentary influence in order to procure a vote sanctioning this monstrous invasion of law.

LEGAL COURTSHIP.

MR. CHITTY relates an anecdote of a young attorney, who had been carrying on a correspondence with a young lady, in which he had always, as he thought, expressed himself with the greatest caution. Finding, however, that he did not perform

what he had led the lady to believe that he would, she brought an action against him for breach of promise of marriage. When his letters were produced on the trial, it appeared that he had always concluded—"this, *without prejudice*, from yours faithfully, C. D." The judge facetiously left it to the jury to determine whether these concluding words being from an attorney, did not mean that he did not intend any prejudice to the lady, and the jury found accordingly.

SWALLOWING A WRIT.

IN that grave work, Manning and Bray's History of the county of Surrey, folio, we find this strange story:

Mr. Serjeant Davy, who lies buried in Newington Church, Surrey, was a most eccentric character. He was originally a chemist at Exeter; when a sheriff's officer coming to serve on him a process from the Court of Common Pleas, he very civilly asked him to drink some liquor. While the man was drinking, Davy contrived to heat a poker, and then asking what the parchment process was made of, and being answered, of sheepskin, he told the officer it must eat as well as mutton, and recommended him to try it. The bailiff said it was his business to serve processes, and not to eat them; upon which Davy told him that if he did not eat that he should swallow the poker! The man preferred the parchment; but the Court of Common Pleas, not then accus-

tomed to Mr. Davy's jokes, sent for him to Westminster Hall, read him a serious lecture on contempt of their process, and locked him up in the Fleet prison. From this circumstance and some unfortunate man whom he met there, Davy acquired that taste for the law which the catting of a process had not given the bailiff; and when he was discharged from the Fleet, he applied to the study of the law in earnest, was called to the bar, made a serjeant, and was for a long time in considerable practice. He died in 1780.

A LEGACY LOST.

IN an autobiographical *Memoir of Thomas Hardy*, whose trial on a charge of high treason in 1794, and his acquittal, after nine days' investigation, are well known, speaking of Mr. afterwards Lord Chancellor Erskine, his counsel, the memoir states:—"One disappointment in the legacy way is particularly worthy of remark. A gentleman of large fortune in Derbyshire, of the name of Kant, soon after the State Trials in 1794, made his will, and in testimony of his approbation of the ability, patriotic exertions, and splendid eloquence displayed by Mr. Erskine in his defence of Hardy, bequeathed him an estate worth upwards of thirty thousand pounds. Hardy himself was also handsomely mentioned in the will, to which Mr. Kant afterwards added a codicil. He died about seven years afterwards, and his attorney

came up to London with the will enclosed in a letter written by the gentleman himself at the time of making it. After Mr. Erskine had read the letter, he asked the attorney if he had taken the proper legal steps to make the codicil valid? He replied, 'No.' Then, said Mr. Erskine, 'By —, you have lost me the estate.' Mr. Erskine sent for Hardy a few days afterwards, told him what had happened, and said that the will was void through the ignorance or villany of a stupid country attorney."

STATUTE OF MORTMAIN.— JOANNA SOUTHCOTE.

IN 1862, the character and tendency of the writings of Joanna Southcote were most ably illustrated by the Master of the Rolls, in giving judgment in a case which raised a question as to whether a gift of real estate for the purpose of propagating "the sacred writings of Joanna Southcote" is a good gift. In the first place it is contended that this gift, if for a lawful and legitimate purpose, is a charitable gift, and therefore void, so far as the real estate is concerned, by reason of the Statute of Mortmain; and secondly, it is urged that the gift is wholly void, both as to realty and personalty, by reason of the immorality and irreligious tendency of the writings of Joanna Southcote, which, by the disposition of her property, the testatrix intended to circulate and make more generally

known. On the latter point, not being acquainted with the writings in question, it became my duty (said his Honour) to look into them sufficiently for the purpose of satisfying myself in this respect; and the result of my investigation is that there is nothing to be found in them which, in my opinion, is likely to corrupt the morals of her followers or make her readers irreligious. She was, in my opinion, a foolish and ignorant woman, of an enthusiastic turn of mind, who had so long wished to become an instrument in the hand of God to promote some great good to the earth that, by constant thinking of it, it became in her mind an engrossing and irremovable idea, till, at last, she grew to believe that her wish was accomplished, and that she had been selected by the Almighty for some especial purpose.

"Of course she had many followers, and probably has some now, as every person will have who has attained to such a pitch of self-confidence as sincerely to believe himself to be an organ of communication with mankind, specially selected for that purpose by the Divine Author of his being. In the history of the life of Joanna Southcote, — in her personal disputations with the Devil, in her prophecies, and in her alleged intercommunication with the spiritual world—I have found much that in my opinion, is very foolish, but nothing that is likely to make persons who read her works either immoral or ir-

religious. I cannot, therefore, invalidate this clause in the will of the testatrix by reason of the tendency of the writings of Joanna Southcote. With respect, however, to the other objection raised to the gift—viz., that it is one given to promote objects which are within the meaning of what the Court holds as charitable objects, and consequently void, as falling within the provisions of the Statute of Mortmain, this is a much more serious objection. I am of opinion that if a bequest of 'money' be made for the purpose of printing and circulating works of a religious tendency, or for the purpose of extending the knowledge of the Christian religion, that this would be a charitable bequest; and that this Court would, on a proper application being made to it, sanction and settle a scheme for its due administration. It is but lately, in fact, that I have had to settle and approve in chambers a scheme of this description. In this respect I am of opinion that the Court of Chancery makes no distinction between one sect of religion and another; the gifts to any of them being equally bequests, which are included in the general term of charitable bequests. Neither does this Court in this respect make any distinction between one sect and another. It may be that the tenets of one particular sect are to inculcate doctrines adverse to the very foundation of all religion and subversive of all morality. In such a case, if it should arise, the Court would

not only not assist the execution of the bequest, but would declare it to be void. But the character of the bequest, so far as regards the Statute of Mortmain, would not be altered by this circumstance. The general immoral tendency of it would render it void, whether it were to be paid out of pure personalty or out of real estate; but if the tendency were not immoral and notwithstanding even this Court might hold the opinion that the tenets sought to be promulgated were foolish, or even devoid of foundation, the Court would not on these accounts declare it void, or take it out of the class of those legacies which are included in the general term of charitable bequest. The words of the bequest here are, 'to propagate the sacred writings of Joanna Southcote.' Joanna Southcote—it is shown from her writings—was a very sincere Christian, but she laboured under the delusion that she was to be made the medium of the miraculous birth of a child at an advanced period of her life, and that thereby the advancement of the Christian religion would be occasioned. But her works, as far as I have looked into them, contain but little on this subject, and nothing which could shake the faith of any sincere Christian. In truth—though, in my opinion,

for the most part confused and incoherent,—they are written with a view of extending the influence of Christianity.

"I cannot hold that a bequest by a testator to publish and propagate works in support of the Christian religion is a charitable bequest, and at the same time say that if a testator should select for this purpose one out of three or four authors whose works would in his opinion produce that effect, that such a bequest would cease to be charitable. Neither can I do so if a testator should select one single author, whose works he thinks will be productive of similar results. If a testator were to leave a fund for the purpose of propagating at a very reduced price the religious writings of Dr. Paley or Dr. Butler, I should be of opinion that the bequest was charitable in character, and I am of opinion that I must hold the same with respect to what the testatrix in the present suit calls the sacred or religious writing of Joanna Southcote. Had this bequest been made out of pure personalty, this Court would, in my opinion, have supported it and regulated its application as well as it could; but as it is given out of land, in my opinion, it is void by reason of the prohibitions contained in the Statute of Mortmain."

THE TEMPLE AND ITS ASSOCIATIONS.— CREATION OF A SERJEANT-AT-LAW.— CURIOUS CUSTOMS.

THE TEMPLE.

THE Law Societies seem very prudently to have repudiated the ancient seal of the Templars—two mounted upon one horse ; which, according to the scandal of Matthew Paris, pointed to the time when they lived upon alms—being so poor that *one horse served two of them !*

But many of the rules and usages of the military brotherhood were adopted by the legal fraternity. The ancient ceremony of the admission into the privileged brethren of the latter closely resembled that of the brethren into the monastic order of the Temple. The coif is said to have descended from the *fratres servientes* ; and many observances of the Templars prevailed to our times in the common Hall of the Temple, though its paved courts no longer echoed the tread of the military monks. The manciple, or purveyor of provisions to the lawyers, is referred to by Chaucer, who says, that functionary had of masters more.

" than thrice ten,
That were of lawe expert and curious."

This is presumed to be the oldest mention of the Temple as a place for lawyers.

In the reign of Edward I., when the practice of the common

law first became a distinct profession, and the new legal societies were originated, the white-robed Templars were building their monastery on the Thames' bank ; and they had not long completed their famous round church, which seems to have given the name of the New Temple to their great convent. Here sovereigns were subsequently their guests, councils assembled, and the military friars dispensed a royal hospitality in their great Hall, which seems to have occupied the site of the present Inner Temple Hall, and to have been built at or about 1240, when they added to the round the oblong portion, or choir, of the Temple Church. The several buildings, connected by cloisters, were enclosed by walls, which on the north fronted the King's Highway (now Fleet Street) ; from the gardens of the Bishop of Exeter's town house or inn on the west, and the lands of the White Friars on the east. But before the year 1310 the Templars had been seized, and their order suppressed ; and three years later the New Temple was given by Edward II. to Aymer de Valence, Earl of Pembroke, whose tomb will be remembered as one of the finest sculptured ornaments of the choir of Westminster Abbey. At the Earl's

death, the property passed to the Knights of St. John of Jerusalem (the gate of whose monastery in Clerkenwell still remains), and by them was leased to the students of the common law; and the Outer Temple to Walter Stapleton, Bishop of Exeter and Lord Treasurer, beheaded by the citizens of London in 1326. This latter statement rests upon the authority of Sir George Buc, which Mr. Foss has shown may be reasonably doubted; and he is of opinion that the Bishop's mansion was the western boundary of the New Temple, but never formed any part of it.

The above change of occupation, as well as the character of the buildings, is thus alluded to by Spenser, in his beautiful *Prothalamion* :—

“Those brickly towers,
The which on Thames' broad aged back
doe ride,
Where now the studious lawyers have their
bowers,
There whilom wout the Templar Knights
to hide,
Till they decayed through pride :”

and old Fuller remarks, that here the professors of the law were thenceforth to use learning and eloquence for the purpose of defending Christians from each other, as the soldiers of the Cross had used the sword to defend the Holy Place from the unbeliever.

LAW MARTS IN THE TEMPLE.

FROM a passage in *Hudibras*, (as well as from other poems of the 17th century) it appears that

the Temple was formerly as notorious for its marts of common-bail and affidavit-men, as the purlieus of Serjeant's Inn were in our day; and even that the church itself was not free from this species of profanation. When Hudibras consults the lawyer upon the means of obtaining the widow, he is advised, among other modes of entrapping her, to

“Retain all sorts of witnesses
That ply 't' th' *Temples*, under trees;
Or walk the round with *Knights o' th' posts*,
Among the cross-legged knights, their hosts :
Or wait for customers, between
The *pillars-venus* in Lincoln's Inn :—
Where vouchers, forgers, common-bail,
And affidavit-men, ne'er fail
T' expose to sale all sorts of oaths,
According to their *ears* and *cloaths*,
Their only necessary tools
Besides the Gospel and their souls.”

Dugdale says : “Item, they (the lawyers) have no place to walk in, and talk and confer their learnings, but the *Church*; which place all the term-times hath in it no more quietness than the *Pernise* of P'auls, by occasion of the confluence and concourse of such as are suitors in the law.”

In Dr. Nash's notes to *Hudibras*, we get a glance at these gentry : “Knights of the post were infamous persons, who attended the courts of justice to swear for hire to things they knew nothing about. In the 14th and 15th century the common people were so profligate, that not a few of them lived by swearing for hire in courts of justice.”

Against the east wall of the Temple Church is an inscription

for Anne Littleton, wife of Edward Littleton, of the Inner Temple, Esq., and granddaughter of Sir Thomas Bromley, Knt., Lord Chancellor: she died in 1623. The following epitaph on this lady is given by Strype:—

"Here she lies, whose spotless fame
Invites a stone to learn her name.
The rigid Spartan that deny'd
An epitaph to all that dy'd
Unless for war or chastity,
Would here vouchsafe an elegy.
She dy'd a wife, but yet her mind,
Beyond virginity refin'd,
From lawless fire remain'd as free
As now from heat her ashes be.
Her husband, yet without a sin,
Was not a stranger, but her kin;
That her chaste love might seem none
other,
Unto a husband, than a brother.
Keep well this pawn, then, marble chest,
Till it be call'd for, let it rest,
For while this jewel here is set,
The grave is but a cabinet."

INSIGNIA OF THE INNER AND MIDDLE TEMPLES.

THE armorial bearing or cognizance of the *Inner Temple* is a Holy Lamb; and that of the *Middle Temple*, a *Pegasus*, or *Winged Horse*. These insignia gave origin to the following *jeux d'esprit*, which the amusing gleaner of *Heraldic Anomalies*, (Archdeacon Nares.) states to have been chalked upon one of the Temple gates:—

"As by the Templars' holds you go,
'The horse and lamb, display'd,
In emblematic figures show
The emblems of their trade.
That clients may infer from thence
How just is their profession,
The LAMB sets forth their INNOCENCE,
'The horse their EXPEDITION.
Oh, happy Britain! happy isle!
Let foreign nations say,
Where you get justice without guile,
And law without delay."

To these *self-evident* truths, as

our "Apprentice of the Law" *professionally* remarked, some *wicked wit*, whose *judgment*, probably, had been stultified either by the murky air of the Chancery Court, or the cold pavement of Westminster Hall, thought proper to indite this answer:—

"Deluded men, these holds forego,
Nor trust such cunning elves;
These artful emblems tend to show
Their CLIENTS, *not* THEMSELVES.
'Tis all a trick: these are all shams
By which they mean to cheat you;
But have a care, for *you're* the LAMB,
And they the *wolves* that eat you.
Nor let the thoughts of "no delay,"
To these, their courts, misguide you;
'Tis *you're* the showy HORSE, and *they*
The *jockeys* that will ride you."

THE OLD BENCHERS OF THE INNER TEMPLE.

IN Crown Office-row, Charles Lamb was born in 1775, and passed the first seven years of his life. The Temple was his "home and recreation—the most elegant spot in the metropolis; what a cheerful liberal look hath that portion of it which from three sides overlooks the greater garden, that goodly pile

'Of building strong, albeit of Paper hight,' confronting with massy contrast the lighter, older, more fantastically shrouded one named of Harcourt, with the cheerful Crown Office-row (place of my kindly engender), right opposite the stately stream which washes the garden foot with her yet scarcely trade-polluted waters, and seems but just weaned from her Twickenham Naiades."

Nor can we forget Charles Lamb's charming sketches of

"The Old Benchers of the Inner Temple," who had the Terrace almost sacred to themselves, in the fore part of the day at least. Who does not remember the roguish eye of Jekyll, ever ready to be delivered of a jest. Thomas Coventry, "whose person was a quadrate, his step massy and elephantine, his face square as the lion's, his gait peremptory, and path keeping indivertible from his way as a moving column, the scarecrow of his inferiors, the browbeater of equals and superiors, who made a solitude of children wherever he came; for they fled his insufferable presence as they would have shunned an Elisha bear? His growl was as thunder in their ears; whether he spoke to them in mirth or in rebuke, clouds of snuff, aggravating the natural terrors of his speech, broke forth from each majestic nostril, darkening the air. . . . And so he passed the terracc." Coventry was master of four or five hundred thousand pounds—a hoarder rather than a miser; but he gave away 30,000*l.* once in his lifetime to a blind charity. He kept the table of a gentleman, and his kitchen-chimney was never suffered to freeze.

Then there was the pensive gentility of Samuel Salt, and his man, the quick little fellow Lovel, at once his clerk, his good servant, his dresser, his flapper, his guide, auditory, treasurer. Lamb had access to Salt's library, and thus he was "tumbled in a spacious closet of good old English reading,

where he browsed at will upon that fair and wholesome pasturage."

With Coventry and with Salt, in their walks upon the Terrace, most commonly would join them Peter Pierson, a benevolent man, but with a face implying an incapacity of being happy. Contemporary with these was Daines Barrington, another oddity, who walked burly and square. In the account of his year's treasurership was—"Item, disbursed Mr. Allen, the gardener, twenty shillings for stuff to poison the sparrows, by my orders; which charge was unanimously disallowed by the Bench." Next to him was old Barton—a jolly negation, who took upon him the ordering of the bills of fare for the Parliament Chamber, where the Benchers dine. Then Read and Twopeny—Read, good-humoured and personable; Twopeny, good-humoured, but thin, and felicitous in jest upon his own figure. If T. was thin, Wharry was attenuated and fleeting, with spiteful features. Of this period was the omniscient Jackson: he was the Friar Bacon of the less literate portion of the Temple, and decided how the cook should write down edge-bone of beef in his bill of commons. Mingay, with his iron hand—he had lost his right hand, and supplied it with a grappling hand—was somewhat late. Baron Maseres, who walks (or did till very lately, says Lamb) "in the costume of the reign of George II., closes my imperfect recollections of the Old Benchers of the Inner Temple. Fantastic forms,

whither are ye fled? or, if the like of you exist, why exist they no more for me?" Then with what exquisite humour he invokes the New Benchers!—"So may the Winged Horse, your ancient badge and cognizance, still flourish; so may future Hookers and Seldens illustrate your church and chambers;—so may the sparrows, in default of more melodious quiresters, unpoisoned, hop about your walks; so may the fresh-coloured and cleanly nurserymaid, who by leave airs her playful charge in your stately gardens, drop her prettiest blushing curtsy as ye pass, reductive of juvenescent emotion; so may the youngers of this generation eye you, pacing your stately terrace, with the same superstitious veneration with which the child Elia gazed on the Old Worthies that solemnised the parade before you!"—*Elia*.

CREATION OF A SERJEANT-AT-LAW.

THE Inn belonging to the Society of Serjeants, Chancery-lane, is the exclusive property of the Serjeants-at-Law, or *Servientes ad Legem*, who are the highest degree in the common law. The Serjeantcy-at-Law, moreover, is somewhat of a title or dignity as well as a degree, being created by the Queen's writ. In his armorial ensigns, the Serjeant bears a helmet open and front face, like that of a knight, and not with a visor down, as an esquire's is. He, in a knightly way, gives, on his

appointment, gold rings to the Queen, the Lord Chancellor, and his own legal friends. The Serjeants-at-Law form a brotherhood to which the judges of the Law Courts at Westminster must belong. For this reason, as being of the same body, the judges of the Common Law Courts at Westminster invariably address a Serjeant as "Brother," and they never apply the term to any other counsel. The Serjeants are a body incorporated by Act of Parliament. The robes of the Serjeant vary in colour on particular days; and peculiar to him is "the coif," or circular black patch on the top of his wig. By that mark, peculiar to his order, the Serjeant-at-Law may always be recognised in Court. The Serjeant, on joining Serjeant's Inn, quits entirely the Inn of Court to which he, as a student and barrister, belonged.

At some of the Inns of Court, if the new-made Serjeant leaves the Inn in term-time, the following ceremony occurs:—After giving a breakfast to the Benchers of the Inn in their council-chamber, the new Serjeant proceeds to the banqueting-hall, and is there presented by the Treasurer with a silver purse containing ten guineas, as a retaining fee for any occasion on which the Society may, in future, require his services. A bell is then rung as a warning that he has ceased to be a member of the Inn.

The handsomest room in Serjeant's Inn is the private dining-room, which contains one of the

finest collections of legal portraits in the kingdom, including those of Sir Edward Coke, by Cornelius Janssen; of Lord Mansfield, Lord King, Sir Francis Buller, Chief Justice Tindal; Lords Eldon, Denman, and Lyndhurst, all by painters of note. The windows (containing the armorial ensigns of judges and serjeants) are finely executed. The arms of Serjeants' Inn are, or, a stork proper.—*Communicated to the Curiosities of London*, 2nd edit.

John Haugh, Serjeant-at-Law and Judge of Assize, was appointed one of the Puisne Judges of the Common Pleas, 3rd Feb., 1387, and his portrait on glass is especially valuable as an illustration of the Serjeant-at-Law of Chaucer in a motley dress :—

"He rode but homely in a medlee cote,
Girt with a seint of silk, with barres smale "

He was a member of Lincoln's Inn and Recorder in 1469 and 1473; and he took the degree of the coif before he was raised to the Bench.

In a paper in the *Archæologia*, vol. 39, by the late Mr. G. R. Corner, F.S.A., the origin and significance of party-coloured gowns is considered. In an illustration of the Court of Chancery, there stand at the bar three serjeants with coifs, wearing party-coloured gowns of blue and green and blue and brown. The gowns are striped or rayed, some vertically and the others diagonally. In the "Proceedings of the Society of Antiquaries of London," Mr. E. W. Brabrook, F.S.A., traces the use of such

coloured robes at the creation of Serjeants-at-Law to a period within the last hundred years, viz., in 1762; but from that period the decline in all the ancient observances connected with the creation of Serjeants was rapid, and they were probably discontinued at the close of the last century. A relic of the old custom yet remains. On the first day of term, the Serjeants wear purple robes, at sittings *in banco* black cloth gowns, and on state occasions and Lord Mayor's dinners they appear in scarlet.—*Proceedings London and Middlesex Archæological Society*.

THE LONG VACATION.

"Now at such times as lawyers walke the
streets,
Without long rowles of paper in their
hands,
When friendly neighbour with his neigh-
bour meetes,
Without false chalenge to each other's
landes,
The counsellor without his client stands,
When that large capitoll lies voide and
waste
Where senators and judges late were
plac't."

—*Storer's Life of Wolsey*.

CURIOUS CUSTOM AT CLIFFORD'S INN.

A VERY peculiar dinner custom, which is believed to be unique, is held in the Hall of Clifford's Inn, Fleet Street. The Society consists of two distinct bodies, "the Principal and Ruler," and the junior members of "Kentish Mess." Each body has its own table: at the conclusion of the dinner, the chairman of the Kentish Mess, first bowing to the Principal of the

Inn, takes from the hands of the servitor four small rolls, or loaves of bread, and, without saying a word, he dashes the rolls three several times on the table; he then discharges them to the other end of the table, whence the bread is removed by a servant in attendance. Solemn silence, broken only by three impressive thumps upon the table,* prevails during this strange ceremony, which takes the place of grace after meat, in the dining-hall; and concerning which the oldest member of the Society cannot give any explanation. Cakes sacred to Ceres, usually terminated the ancient feasts; and the rolls at Clifford's Inn may be thrown down as an offering to Ceres, as she first taught mankind the use of laws—a remote probability. Rollin thinks Ceres “the same Queen of Heaven to whom the Jewish women burnt incense, poured out drink offerings, and made cakes for with their *own* hands.” Jeremiah, xvii. 16.

PUNISHMENT OF THE RACK.

WE have various evidence of the use of the rack in England, though it has been long contested. Sir Walter Raleigh, at his trial, mentioned that Kentish was threatened with the rack, and that the keeper of this horrid instrument was sent for. Bishop Laud told Felton that if he would not confess he must go to the rack. Campion, the Jesuit,

* Such as may be heard in the dining-hall at Charterhouse.

was put to the rack in the reign of Elizabeth, and in Collier's *Ecclesiastical History* are mentioned other instances during the same reign. Bishop Burnet, likewise, in his *History of the Reformation*, states that Anne Askew was tortured in the Tower in 1546, and that the Lord Chancellor, throwing off his gown, drew the rack so severely that he almost drew her body asunder. It appears from the Cecil Papers that all the Duke of Norfolk's servants were tortured by order of Queen Elizabeth, who also threatened Hayward, the historian, with the rack. Ben Jonson alludes to the rack being threatened in his time. “And like the German lord, when he went out of Newgate into the cart, took orders to have his arms set up, &c. . . . The judge entertained him most civilly, discoursed with him, offered him the courtesy of the *rack*, but he confessed,” &c. Mr. Jardine has shown fifty instances of the infliction of torture. The last torture warrant is stated to be signed with the sign-manual of King William III., dated at Kensington Palace, and is for the torturing of Nervill Pain. With the form of that terrible instrument of torture—the rack—we are familiar from the plates to the early editions of Foxe's *Book of Martyrs*.

CURIOUS TENURE CUSTOM.

A GROTESQUE ceremony of ancient custom is yearly performed on Martinmas-day. Six antiquated horse-shoes of a very

large size, with sixty-one hobnails (ten for each shoe and one over) contained in an old leather bag, are produced at the Standard's Department (the duty before 1866 devolved upon the officers of the Exchequer), to be counted over by a functionary on behalf of the Corporation of the City of London, after which some bundles of sticks are cut with a bill-hook and chopper from the Court of Exchequer at Guildhall. We are indebted to Mr Chisholm, for exhuming the history of this meaningless farce. Madox, in his *History of the Exchequer*, cites several examples in the reign of Henry III., Edward I., and Edward II., of the presentation of the Sheriffs of London and Middlesex to the Barons of the Exchequer. According to his authority, there is direct evidence of the tendering to the Exchequer of six horseshoes and their nails in respect of the tenure of the tenement called "The Forge," in St. Clement Danes, in the Strand, from the year 1235 (19th Henry III.), as well as two knives, for the tenure of a piece of land called "The Moor," in Shropshire, from the year 1245. But Mr. Chisholm says that "no evidence has been found to show when the custom was so far altered that the six horseshoes and their nails, and the two knives, one good and the other bad (or a billhook and chopper), were kept at the Exchequer and

at Guildhall respectively, to be produced to the City officers every year upon the payment of a fee. The counting of the horseshoes and nails appears to have been considered necessary in order to show that they were duly rendered, and the cutting of the sticks to prove the goodness and the badness of the two blades." The ceremony was performed in open court up to 1859, when an Act abolishing the office of Cursitor Baron transferred it from the Court of Exchequer to the Queen's Remembrancer Office. Why the ceremony was not discontinued altogether is thus explained:—"The late Mr. Seton, of the Treasury, to whom this question was referred, stated his opinion, that the special authority of her Majesty, directed to the Barons of the Exchequer, would be necessary for its discontinuance. This course of proceeding, however, seemed to be forbidden by the old dramatic rule, 'Nec Deus intersit nisi dignus vindice nodus.'" Mr. Chisholm infers "that this curious ceremony is required to be performed, not only as the tenure by which the lands mentioned are held in fee, but also as that by which the citizens of London have enjoyed the exclusive privilege of electing the Sheriffs of London and Middlesex from the time of Henry III. up to the present day."—*Globe Journal*, 1871.

LAW CHANCES, STUDIES, AND RECREATIONS.

THE CHANCES OF THE BAR.

THE general qualifications for success at the Bar, and the difficulties which beset the aspirant for forensic honour, are matters of general interest; for there is hardly a family among the educated classes that has not a relative, connexion, or intimate acquaintance, embarked in the struggle: but in this, as in every other walk of life, it is one thing to merit, and another to command, prosperity.

From a little book entitled *The Grandeur of the Law*, it appears that more than seventy British peerages have been founded by successful lawyers, the dukedoms of Norfolk and Devonshire being of the number. Sir William Howard, a judge in the reigns of Edward the First and Edward the Second, was the founder of the Howard family; Sir John de Cavendish, Lord Chief Justice in the reigns of Edward III. and Richard III., of the Cavendishes. But the Church, in those days, was the only profession which afforded the lowly-born chances; and perhaps were conferred by the Edwards and Henrys without much regard to judicial qualities; and it will be found, upon more inquiry, that the majority of those

who rose to eminence through the law prior to the seventeenth century, were men of good family, or connected with the great. Indeed, it was not until the beginning of the eighteenth century that the lists were thrown open to all comers.

STUDY OF THE LAW.

IN a long list of examples, nothing strikes us more than the variety of *plans of study*, modes of life, kinds of talent, and degrees of industry presented by it. Thurlow at Nando's, and Wedderburn in the green-room; Murray before the looking-glass, and Eldon with the wet towel round his head; a judge's son (Camden) neglected for twelve years, and an attorney's (Hardwicke) fairly forced into the solicitor-generalship in five; Kenyon loving law, and Romilly detesting it; Dunning brought forward by an East India director, and Erskine by an old seaman. Such things set all speculation at defiance, or bring us back at last to the sage remark of Vanvenargues, that "everything may be looked for from men and from events."

Lord Abinger was once asked by Sir Thomas Buxton, what was the secret of his pre-eminent success as an advocate. He replied that he took care to

press home the one principal point of the case without paying much attention to the others. He also said that he knew the secret of being short. "I find," said he, "that when I exceed half an hour I am always doing mischief to my client; if I drive into the heads of the jury important matter, I drive out matter more important than I had previously lodged there."

As for the overwhelming labour of the law, *when it has been learned*, Lord Abinger used to boast that he dined out every day during the whole of a long Guildhall sitting; and lawyers in full business spend evening after evening in the House of Commons.

Lord Eldon said, in reply as to the best mode of study for some young friends of his to be lawyers:—"I have no rule to give them, but they must make up their minds to live like a hermit, and work like a horse." Nevertheless, the real labour once mastered, "we may drive several accomplishments abreast."

LEGAL EDUCATION.

THERE have been men who have risen to the very highest honours of the profession without the advantages of a classical education; but it would be as prudent to imitate their conduct as it would be to obtain for a son a lieutenancy in the French artillery, under the expectation that he would, therefore, become Emperor of the French. Lord Erskine was a soldier before he was Chancellor; but he became

Chancellor in spite of his having been a soldier, for certainly the parade of the Horse Guards is not the nearest cut to the woolsack. Lord Hardwicke never received a classical education, nor did Lord Gifford, nor did Lord St. Leonards; but these form the exceptions—they do not make the rule. Lord Hardwicke, who, according to Dr. King, did not learn Latin until after he was Chancellor, was once haranguing the House of Lords, with some warmth, on the subject of a war with Spain: in the course of his speech he used the expression, *pendente bello*. "*Flagrante bello*, you mean, my lord," interposed Lord Carteret, whose correct ear was offended with the unclassical expression. A learned counsel in the Exchequer, spoke of the *nolle prosequi*: "Consider, sir," said Mr. Baron Alderson, "that this is the last day of term, and don't make things unnecessarily long."

But bad Latin is not confined to the lawyers. One of the most eminent anatomists of our day has been heard to condemn *a priori* reasonings. This is not quite so bad as a Johnian, at his examination, construing a well-known line in Horace thus: "*Exegi*, I have ate up; *monumentum*, a monument; *perrennius*, harder; *cere*, than brass." "Have you so?" exclaimed the examiner. "Then you will not be able to live here, for we have no nutriment strong enough for such a digestion."—*Sketches and Illustrations of Legal History and Biography.*

HARD-READING LAWYERS.

LORD ELDON used to read law before his call with so much application, as to excite the apprehension of his medical friends. He would debar himself of his needful rest, rising as early as four o'clock in the morning, and often sitting up late at night with a wet towel round his head.

Amongst our hard-reading lawyers, Mr. Butler deserves mention. He has communicated the system of study he pursued in these words:—"Very early rising, a systematic division of his time, abstinence from all company, and from all diversions not likely to amuse him highly; from reading, writing, or even thinking on modern party politics; and, above all, never permitting a bit or scrap of time to be unemployed—have supplied him with an abundance of literary hours. His literary acquisitions were principally owing to the rigid observance of four rules:—To direct his attention to one literary object only at a time; to read the best book on each side; to find out men of information; and when in their society, to listen, not to talk." These are rules of universal application.

LAW AND LITERATURE.

LORD CAMPBELL'S ambition was directed more towards authorship than law. "Several Englishmen," he wrote in one of the numerous notes which

he affixed to his writings, "owe their distinction as authors to their crosses as politicians. If my *Lives of the Chancellors* gain any celebrity my humble name may be added to the class adorned by Clarendon and Bolingbroke. I shall then be highly contented with my lot. I do not undervalue great judicial reputation, but I would rather have written Hyde's character of Falkland than have pronounced the most celebrated judgments of Lord Hardwicke or Lord Eldon."

Probably, in the choice of his subject Lord Campbell had an eye to the Chancellorship, and when Lord John Russell's Cabinet was formed in 1846 it was expected that he would obtain the Great Seal. Lord John Russell, however, offered to Lord Campbell only the Chancellorship of the Duchy of Lancaster—a post which he hesitated to accept until the Premier overcame his scruples by saying, "Remember, the office has been held by Sir Thomas More and by Dunning." His seat in the Cabinet, however, scarcely interrupted his literary pursuits, and, in fact, during his lease of office he published several volumes of his biographical series. Revelling in the resumption of classical studies and in the perusal of modern authors, "by degrees I began to perceive the want of a definite object," he says. "I recollected what Lord Coke and Lord Bacon say of the debt due from every successful lawyer to his profession; and I felt within me a revival

of the aspiration after literary fame which in my most busy days I was never able entirely to extinguish. Having amused myself with revising for the press a selection of my speeches at the bar and in the House of Commons, I resolved to write the *Lives of the Chancellors*."

The first series of these biographies was published early in 1846, and the work became immediately popular. The success, indeed, with which Lord Campbell had portrayed successive Chancellors was rather startling to those who were not acquainted with his previous literary training, who saw in him only a practical lawyer, and who had overlooked the Scotchman's natural aptitude for biography.

Of the eminent men of our time, how many might we name who have acquired reputation elsewhere than in Westminster Hall. Lord Denman's beautiful translation of the song of Harmonius in the *Anthology*, and Mr. Justice Coleridge's admirable paraphrases of many portions of the Greek tragedians, are well known. Lord Abinger did not the less efficiently perform his duties, because he made his literary *début* in the *Book of Beauty*. We doubt if the author of *Ion* found the composition of that charming play rendered him less capable as an advocate; nor do we suppose that Mr. Justice Williams's well-known command of Greek versification in any way disqualified him for his post. Dr. Philip Williams, the Vincian Professor, published a continuation of Dryden's *Hind and*

Panther, while his brother professor at Cambridge, brought philosophy to illustrate law, and gave to the profession a work of greater value than mere *lawyer*, however deeply read, could ever produce. If Fearn or Jones had been mere lawyers, would the essays on Contingent Remainders and on Bailments have been the masterpieces they are?

Lord Chancellor Cowper (in another age), used to declare that he owed all the powers of reasoning that he possessed to the study of Chillingworth, the able disputing theologist and controversialist.*

STRICTURES ON LAWYERS.

IN Butler's MSS. are some severe specimens—

"More nice and subtle than those wire-drawers

Of equity and justice, common lawyers;
Who never end, but always prune a suit,
To make it bear the greater store of fruit."

"As labouring men their hands, criers their lungs,

Porters their backs, lawyers hire out their tongues."

"A tongue to mire and gain accustomed long,

Grown quite insensible to right or wrong."

"The humourist that would have had a trial

With one that did but look upon his dial,
And sued him but for telling of his clock,
And saying, 'twas too fast, or slow it struck."

* "The incomparable Chillingworth," says Dr. Tillotson, "is the glory of his age and nation." "If you would have your son to reason well," says Locke (on education), "let him read Chillingworth;" again, (on study), "For attaining right reasoning, I propose the constant reading of Chillingworth; for this purpose he deserves to be read over and over again."

THE LAWYER AND THE BEARWARD.

THE comparison of a lawyer with a bearward in *Hudibras* is—the one parts his clients, and keeps them at bay by writ of error and demurrer, as the latter does the dogs and the bear by interposing his staff (hence stave), and holding the dogs by the tails. See the character of a lawyer in Butler's *Genuine Remains*, where the severity and bitterness of the satire, and the verses which follow, may be accounted for by the poet's having married a widow, whom he thought a great fortune, but perhaps through the unskilfulness or roguery of the lawyer, it being placed on bad security, was lost. He says the lawyer never ends a suit, but prunes it, that it may grow faster and yield a greater increase of strife.

LEGAL RECREATIONS.

LORD-KEEPER GUILDFORD, when he was a student, used to refresh himself after study with music, in which he was a proficient; "he played on the base or lyra viol, which he used to touch, lute-fashion, on his knees." But there are some persons who "have not music in their souls." Lord Guildford's friend, the Duke of Lauderdale, used to say, according to Pepys, that he "had rather hear a cat mew than the best music in the world; and the better the music the more sick it made him." Sir Matthew Hale, a character somewhat dissimilar, was utterly indifferent to

music, and Mr. Windham observed that four of the greatest men he ever knew cared nothing for music—Burke, Fox, Dr. Johnson, and Pitt. Sir James Mackintosh professed the same indifference to sweet sounds, so much so, that Conversation Sharpe used to suggest, as a thesis for the physical schools at Edinburgh, "What was the precise effect of music on the sensorium of Mackintosh?"

Mr. Justice Yates was in the habit of declaring that whenever intense application to any legal studies wearied his mind, he used to read a few pages of Dean Swift's works, which not only relieved him while he read, but sent him back again to his dry law in perfect good humour. Lord Camden was excessively fond of the old romances: the Cassandras and Cleliases of the ancient imaginative writers, amused him by their adventures after he had escaped from

"The tedious forms, the solemn prate,
The pert dispute, the dull debate,"

which occupy the attention of

"The drowsy bench, the babbling hall,"

and in a letter to Mr. Garrick he declares his partiality for the "Seven Champions of Christendom."—Sir Giles Rooke, the worthy old judge, was a most inordinate devourer of novels, and would often sit up in bed all night to sup full of the horrors that the most trashy circulating library romance could afford. The productions of Mrs. Radcliffe and Miss Burney formed the staple of his reading. Selden sought recreation at the theatre,

and Lord Stowell, too, was fond of dramatic entertainments. To the last he was a regular attendant at the Christmas pantomimes, and avowed a strong predilection for the interesting performances of those itinerant but disputatious comedians—Punch and Judy.

Sir Edward Coke found recreation in a game at bowls. Lord Lyndhurst is said to have found especial amusement in constructing models of churches or houses, and used, when in full practice at the bar, to employ himself, on a rainy day in the long vacation, with repairing what his children or servants might have demolished. Lord Brougham has been known, after the fatigues of the Chancery Court, a Cabinet Council, and a debate in the Lords, to recreate himself in solving difficult problems, or speculate in the higher branches of physical science.

Sir Frederick Pollock, Bart., late Baron of the Court of Exchequer, in the later years of his life applied practically to more than one branch of scientific pursuits the mathematical principles which he had imbibed at Cambridge. He took the greatest interest and delight in photography, presided over a photographic society, and contributed several papers upon his favourite study to the "Transactions of the Royal Society."

ORIGIN OF THE COVENTRY ACT.

THIS statute had its origin in a barbarous assault on Sir John

Coventry in the street. Sir John was on his way to his house in Suffolk Street, Haymarket, from the Cock tavern in Bow-street, where he had supped, when his nose was cut to the bone at the corner of the street, "for reflecting on the king." A motion had been made in the House of Commons to lay a tax on play-houses. This the Court opposed, when Coventry indulged in a licentious remark upon what another member had termed "the king's pleasure." For this Charles determined to *leave a mark* upon Sir John Coventry, and he was watched on his way home. "He stood up to the wall," says Burnet, "and snatched the flambeau out of the servant's hands; and with that in one hand, and his sword in the other, he defended himself so well that he got more credit by it than by all the actions of his life. He wounded some of his assailants, but was soon disarmed; and then they *cut his nose to the bone*, to teach him to remember what respect he owed to the king." Burnet adds, that his nose was so well sewed up that the scar was scarce to be discerned. The Coventry Act was then passed to prevent the recurrence of such barbarity, 22 & 23 Car. II. c. 1.

On this statute Mr. Coke, a lawyer in Suffolk, and one Woodburn, a labourer, were indicted in 1722; Coke for hiring and abetting Woodburn, and Woodburn for the actual fact of slitting the nose of Mr. Crispe, Coke's brother-in-law. The case was somewhat singular. The murder of Crispe was intended, and he

was left for dead, being terribly hacked and disfigured with a hedge-bill; but he recovered. Now the bare attempt to murder was, at common law, no felony; but to disfigure with an intent to disfigure is made so by this statute, on which they were therefore indicted. And Coke who was a disgrace to the profession of the law, had the effrontery to rest his defence upon this point, that the assault was not committed with an intent to disfigure, but to murder, and therefore was not within the statute. But the court held that, if a man attacks another to murder him with such an instrument as a hedge-bill, which cannot but endanger the disfiguring him, and in such an attack happens not to kill, but only to disfigure him, he may be indicted on this statute; and it may be left to the jury to determine whether it were not a design to murder by disfiguring, and consequently a malicious intent to disfigure as well as to murder. Accordingly the jury found them guilty; and they were both condemned and executed. —*Stephen, note.*

WHAT IS GREAT BRITAIN?

A CORRESPONDENT of the *Times* asking for precise information as to the legal definition of Great Britain, received this reply, "I beg to refer him to 5 Anne, cap. 8, the Act for an union of the two kingdoms of England and Scotland. There he will find the Articles of Union agreed on the 22nd of July in the fifth year of that Queen. The first Article

declares that the two kingdoms of England and Scotland shall on and after the 1st of May, 1707, be united into one kingdom by the name of Great Britain. Therefore, Great Britain embraces the kingdom of England and the kingdom of Scotland. Now, the Channel Islands are not and never were part of the kingdom of Scotland. That point I need not labour. To show that they are not part of the kingdom of England I would refer Mr. Bibby to Lord Coke's 4th Institute, 286. There Lord Coke explains that the King's writ runneth not into these isles, and that the inhabitants thereof are not bound by our Acts of Parliament, unless they be specially named. He also says that albeit King John lost the possession of Normandy and King Henry III. took money for it, yet the inhabitants of these isles remained true to the Crown of England, "and the possessions of these isles, being parcell of the Duchy of Normandy, are a good seisin for the King of England of the whole Duchy." Since the time of Lord Coke no Act of Parliament has been passed making the Channel Islands part of the kingdom of England. At Common Law the kingdom of England did not extend beyond the territory of England. Wales was united to the kingdom of England by 27 Henry VIII., cap. 26. Berwick-on-Tweed was united to the realm by the cession of Edward Balliol, and its position as such declared by subsequent statutes.

A TALE OF TERROR.

THOMAS HOLCROFT relates that discoursing at Opie's, the painter, on the effects of terror, Northcote related that two of his brothers were sitting by the fire, and as one of them slept, the other, by way of experiment, when he saw him about to wake, sat motionless without appearing to breathe, and his eyes fixed on one object. The brother, who had been asleep watched him as long as his patience could hold, and then spoke, but received no answer. He spoke again and again, but still the same fixed, motionless, and, as he began to dread, lifeless figure sat before him. He was not a timid man, and the absurd joke ended without any bad consequences. But the picture which he afterwards gave of his own terror was a strong one. N. also told the following story:—A gentleman, followed by a servant in livery, rode into an inn in the West of England, one evening, a little before dusk. He told the landlord that he should be detained by business in that part of the country for a few days, and wished to know if there were any amusements going on in the town, to fill up the intervals of his time. The landlord replied that it was their race and assize week, and that he would therefore be at no loss to pass away the time. On the gentleman's making answer that this was very lucky, for that he was fond of seeing trials, the other said that a very interesting trial

for robbery would come on the next day, on which people's opinions were much divided, the evidence being very strong against the prisoner; but he himself persisting resolutely in declaring that he was in a distant part of the kingdom at the time the robbery was committed. His guest manifested considerable curiosity to hear the trial, but as the court would probably be crowded, expressed some doubt of getting a place. The landlord told him there could be no difficulty in a gentleman of his appearance getting a place; but that, to prevent any accident, he would himself go with him, and speak to one of the beadles. Accordingly, they went into court the next morning, and the gentleman was shown a seat on the bench. Presently after, the trial began. While the evidence was giving against him, the prisoner had remained with his eyes fixed on the ground, seemingly very much depressed; till, being called on for his defence, he looked up, and seeing the stranger he suddenly fainted away. This excited some surprise, and it seemed at first like a trick to gain time. As soon as he came to himself, on being asked by the judge the cause of his behaviour, he said, "Oh! my lord, I see a person that can save my life; that gentleman (pointing to the stranger) can prove I am innocent; might I only have leave to put a few questions to him?" The eyes of the whole court were now turned on the gentleman, who said he felt himself

in a very awkward situation to be so called upon, as he did not remember ever to have seen the man before, but that he would answer any question that was asked him. "Well, then," said the man, "don't you remember landing at Dover at such a time?" To this the gentleman answered, that he had landed at Dover not long before, but that he could not tell whether it was on the day mentioned or not. "Well," said he, "but don't you recollect that a person in a blue jacket and trousers carried your trunk to the inn?" To this he answered that of course some person had carried his trunk for him, but that he did not know what dress he wore. "But," said the prisoner, "don't you remember that the person who went with you from the boat told you a story of his being in the service, that he thought himself an ill-used man, and that he showed you a scar he had on one side of his forehead?" During this last question the countenance of the stranger underwent a considerable change; he said he certainly did recollect such a circumstance; and, on the man's putting his hair aside, and showing the scar, he became quite sure that he was the same person. A buzz of satisfaction now ran through the court, for the day on which, according to the prisoner's account, this gentleman had met with him at Dover, was the same on which he was charged with the robbery in a remote county. The stranger, however, could not be certain of

the time, but said that he sometimes made memorandums of dates in his pocket-book, and might possibly have done so on this occasion. On turning to his pocket-book, he found a memorandum of the time he landed from Calais, which corresponded with the prisoner's assertion. This being the only circumstance necessary to prove the *alibi*, the prisoner was immediately acquitted, amidst the applause and congratulations of the whole court. Within less than a month after this, the gentleman who came to the inn, attended by a servant in livery, the servant who followed him, and the prisoner who had been acquitted, were all three brought back together to the same gaol for robbing the mail.

LEGALITY OF WAGERS.

IN olden times a favourite form of wager was "a rump and dozen." In the case of *Hussey v. Cricket*, 3 Campbell's *Nisi Prius Cases*, 168, an action was brought upon a wager of a rump and dozen, whether the defendant was older than the plaintiff. The question argued before the Court of Common Pleas was, whether the action was maintainable? Sir James Mansfield, C.J., said, "I am inclined to think I ought not to have tried this case; I do not judicially know the meaning of a rump and dozen. While we are occupied with these idle disputes, parties have large debts due to them, and questions of great magnitude to try were grievously

delayed. However, the cause being here, we must now dispose of it."

Heath, J. : "I am rather sorry this action has been brought, but I do not doubt that it is maintainable. Wagers are generally legal, and there is nothing to take this wager out of the common rule. We know very well, privately, that a rump and dozen is what the witness states, viz., a good dinner and wine, in which I can discover no illegality."

A CURIOUS WAGER TRIAL.

IN 1771, a strange trial took place before Lord Mansfield, in the Court of King's Bench, with the object of recovering the sum of a wager of five hundred guineas laid by the Duke of Queensbury (then Lord March) with a Mr. Pigot, whether Sir William Codrington or *old* Mr. Pigot should die first. It had singularly happened that Mr. Pigot died suddenly the same morning, of the gout in his head. but before either of the parties interested in the result of the wager could by any possibility have been made acquainted with the fact. By the counsel for the defendant, it was agreed that (as in the case of a horse dying before the day on which it was to be run), the wager was invalid and annulled. Lord Mansfield, however, was of a different opinion; and after a brief charge from that great lawyer, the jury brought in a verdict for the plaintiff of five hundred guineas, and sentenced

the defendant to pay the costs of the suit.

AN UPRIGHT JUDGE.

IT has been related of Mr. Justice Lawrence, a most excellent man and able judge, that at a trial at York he summed up decidedly in favour of the defendant, but having given the case further consideration it appeared to him that he had altogether mistaken the law. A verdict having been recorded for the plaintiff he had no redress; but it is generally understood that the judge feeling the hardship of his situation left him in his will a sum of money sufficient to indemnify him for the loss he had sustained.

WARRANTY OF A HORSE.

AN amiable and excellent judge, not more conspicuous for his profound knowledge than for his unaffected and acknowledged piety, is said to have made the following observations, after the conclusion of a very obstinately contested "horse cause." "Take my advice, gentlemen," said he, "and accommodate matters of this kind, if possible; for men lose more than twenty-five pounds in bringing an action on the warranty of a horse, even if they win; and such is the danger, from the evidence common in cases like this, that justice is no security of success to a man. I perceive that the gentlemen below me do not approve of this doctrine; but the truth must be told sometimes."

COKE, HOLT, HALE, ELLESMERE, SOMERS,
WILLIAMS, SAUNDERS, MANSFIELD,
CAMDEN, KENYON, AND THURLOW.

COKE AT LYON'S INN.

THIS murky old Inn has disappeared. Herbert, in his *Antiquities of the Inns of Court and Chancery*, the materials for which he mostly derived from Dugdale's *Origines Juridicales*, says: — "It (Lyon's Inn) is known to be a place of considerable antiquity from the old books of the stewards' accounts, which contain entries made in the time of King Henry V. How long before that period it was an Inn of Chancery is uncertain."

One of the most interesting records of this nursery of lawyers is, that here was nurtured the incorruptible Sir Edward Coke, the founder of the independence of the Bench of England, and to whom his intriguing rival, Sir Francis Bacon, ascribed the praise of having preserved the vessel of the common law in a steady and consistent course. Sometime in the year after Coke's call to the Bar *i. e.*, in 1579, he having greatly distinguished himself in the *Mootings and Readings*, which constituted a necessary part of the education of an advocate in former times, the Society of the Inner Temple appointed him reader at Lyon's Inn; when the intelligence and learning displayed by him in the exercises

raised for him a high reputation as a lawyer, and opened the way to that extensive practice at the Bar, which he acquired with a rapidity almost without parallel in the history of the profession. Lloyd, in his *State Worthies*, says that "his learned lecture so spread forth his fame, that crowds of clients came to him for counsel." In the next term after he was called to the Bar, he argued a case of much nicety and importance, known to lawyers by the name of Lord Cromwell's case, which he says, in his own report of it (4 Rep., 146) was the first cause that he moved in the King's Bench. Thenceforth, until he became Solicitor-General, his practice was enormous. In 1592 he became Recorder of the Inner Temple. It is curious to trace the start of our great constitutional lawyer from his readership at Lyon's Inn, and to picture the crowds of students who, in the days of Elizabeth, flocked to the old hall of the Inn, the hostelry of the Lancasterian time. Our several Inns of Court and Chancery have their illustrious names emblazoned upon their roofs and walls and windows; but neither of them eclipsed in rank and interest that of Coke, from his readings in the small Strand Inn to the energetic co-operation in framing the celebrated Bill of

Rights, and defending the constitutional privileges of the people of England, and this in his 79th year.

It is worth remembering that more than 100 years before Adam Smith was born, Sir Edward Coke was an advocate of free trade. "Freedom of trade," he observed, "is the life of trade; and all monopolies and restrictions do overthrow trade." And when a Corn Bill was proposed, he said, "If we bar the importation of corn when it aboundeth we shall not have it imported when we lack it."

"LORD COOKE'S SHOP."

A PLAINE country fellow comming to the Temple for counsell in some point of Law, enquir'd for my Lord Cooke's shoppe (*L'Estrange*, No. 133.). Somewhat analogous to this definition of the Temple in the reign of James is that which was bestowed upon the King's Bench, when Abbot Lord Tenterden was the Lord Chief Justice, namely, "Abbot's Priory" and "Tenterden's Priory."

CHIEF JUSTICE HOLT.

IN Holt's time there were some persons in London who pretended to possess the power of foretelling future events, and who were called the French prophets. Holt having upon occasion committed one of these to prison, a disciple of his came to the Chief Justice's house, and desired to see him. He was told by the servant that his lord-

ship was indisposed, and could see no company that day. "But tell him," replied the deluded individual, "that I must see him, for I come from the Lord God!" This extraordinary message being communicated to Holt, he desired the applicant to be shown in, and when he entered, inquired his business. "I come from the Lord, who bade me desire thee to grant a nolle prosequi for John Atkins, his servant, whom thou hast thrown into prison!" "Thou art a false prophet, and lying knave," returned the Chief Justice; "if the Lord had sent thee, it would have been to the Attorney-General; for the Lord knoweth that it is not in my power to grant a nolle prosequi."

PRESENTIMENTS OF DEATH.

SIR MATTHEW HALE had a strange presentiment that if he did not die on the 25th November, he should live a month longer, which actually happened. In the year 1666 an opinion was very prevalent amongst the people that the end of the world was rapidly approaching. Hale was sitting in court during the summer circuit, when a storm arose so fearfully terrific, as to occasion a whisper that the dissolution of the earth was at hand. Great consternation pervaded the court: most of those present betook themselves to prayer; but Hale deported himself with so much firmness and courage, that no one could doubt, had the expected event

occurred, it would have brought no alarm to him.

Lord Chancellor Macclesfield had also a singular presentiment, justified by the event, as to the period of his death. A few days before it happened, Dr. Pearce, Bishop of Rochester, called on him, and found him walking up and down the room, suffering from a strangury, which he said had come on him the night before. He then said to the Bishop—"My mother died of this the eighth day after it came on, and so shall I." On the eighth day, Dr. Pearce called on him, and found him in bed, dying. Standing round his bedside were his son, and Lady Parker, and Mr. Clarke, afterwards Sir Thomas, and Master of the Rolls. About ten at night, Lord Macclesfield cried out, "Is my physician gone?" and, on being told that he was, immediately exclaimed, "and I am going too; but I will close my eyes myself—" which he did, and instantly expired.—*Polson's Law and Lawyers.*

LORD KEEPER ELLES- MERE,

WHO was made keeper of the seals in the 38th of Queen Elizabeth, was son of a servant girl named Sparks, who had lived with his father, Sir Richard Egerton, of Ridley. His mother had been so neglected by her seducer, that she was compelled to beg for support; when a neighbouring gentleman, a friend of Sir Richard, saw her asking alms, followed by her child. He admired its beauty, and saw in

it the evident features of the Knight. He immediately went to Sir Richard, and laid before him the disgrace of suffering his own offspring, illegitimate as he was, to wander from door to door. He was touched with the reproof, adopted the child, and, by a proper education, laid the foundation of its future fortune. Fuller, in his "Worthies," says, that "surely Christendom afforded not a person who carried more gravity in his countenance than Sir Thomas Egerton; inasmuch that many who have gone to the Chancery on purpose only to see his venerable aspect and garb, were highly pleased at so acceptable a spectacle."

* LORD SOMERS.

OF Lord Somers, Horace Walpole has said that "he was one of those divine men who, like a chapel in a palace, remain unprofaned, while all the rest is tyranny, corruption, and folly. All the traditional accounts of him, the historians of the last age and its best authors, represent him as the most incorrupt lawyer and the honestest statesman, as a master orator, a genius of the finest taste, and a patriot of the noblest and most extensive views; as a man who dispensed blessings by his life, and planned them for posterity.

Somers was the son of a Worcester attorney, whose zeal for the popular cause induced him to bear arms under Cromwell. The youth of the future Chancellor did not want auguries of

future eminence. It is related that when a child, walking with his aunt, a beautiful roost-cock flew upon his head, and crowed three times.

Previous to his being called to the Bar, his steadiness and attraction excited the pride of his father. The old man occasionally visited London in term-time, and put up at the George Inn at Acton, where he mentioned his promising son in the Temple. One day, the landlord hearing him dwell with heartfelt pride on the merits of his son, said to him, "Why don't you let me see him, sir?" Accordingly when Mr. Somers returned, he begged his son to accompany him on his way as far as Acton. On arriving at the inn, the father took the landlord aside, and said to him, "I have brought him, but you must not talk to him as you do to me; he will not suffer such a fellow as you in his company."

LORD KEEPER WILLIAMS.

WILLIAMS was a sharp-witted politician. When the storm was first raised about monopolies and corruptions in government in James's reign, and the Duke of Buckingham was threatened with impeachment, Williams advised the king to sacrifice the Chancellor (Lord Bacon) and all the meaner offenders, and to make ample promises of redress. This advice the king received with gratitude, and ever afterwards regarded Williams with favour. In 1644, after Williams's fall, Charles I. sent

for him to Oxford, to consult him on his affairs. The advice which he gave proved his sagacity and foresight had not diminished with years. "*Cromwell*," he said, "is the most dangerous enemy your Majesty has; for though he is at this time of mean rank and size, yet he will climb higher. My humble motion to your Majesty, therefore, is that either you would win him to you by promises of fair treatment, or catch him by some stratagem and cut him short."

CHIEF JUSTICE SAUNDERS.

OF this eccentric personage, Sir Edmund Saunders, Chief Justice of the King's Bench, Roger North gives the following curious account:—"His character and beginning were equally strange. He was at first no better than a poor beggar-boy, if not a parish foundling, without known parents or relations. He had found a way to live by obsequiousness in Clement's Inn, as I remember, and courting the attorney's clerks for scraps. The extraordinary observance and diligence of the boy made the Society willing to do him good. He appeared very ambitious to learn to write; and one of the attorneys got a board knocked up at a window on the top of a staircase, and that was his desk, where he sat and wrote often copies of court and other hands the clerks gave him. He made himself so expert a writer that he took in business, and earned some pence by hackney-writing. And thus, by degrees,

he pushed his faculties, and fell to forms, and by books that were lent him became an exquisite entering clerk; and, by the same course of improvement of himself, an able counsel, first in special pleading, and then at large. And, after he was called to the bar, he had a practice in the King's Bench Court equal with any there. As to his person, he was very corpulent and beastly, a mere lump of mortal flesh. He used to say, by his troggs, such a humorous way of talking he affected, none could say he wanted issue of his body, for he had nine in his back. He was a fetid mass, that offended his neighbours at the bar in the sharpest degree. Those whose ill-fortune it was to stand near him were confessors, and in summer time almost martyrs. This hateful decay of his carcass came upon him by continual sottishness; for, to say nothing of brandy, he was seldom without a pot of ale at his nose, or near him. That exercise was all he used; the rest of his life was sitting at his desk, or piping at home, and that home was a tailor's house in Butcher Row, called his lodgings, and the man's wife was his nurse, or worse; but by virtue of his money, of which he made little account, though he got a great deal, he soon became master of the family, and, being no changeling, he never removed, but was true to his friends, and they true to him, to the last hour of his life."

This extraordinary personage sat as Chief Justice from 1681

to 1683, when he died of apoplexy.

LORD MANSFIELD.

LORD BROUGHAM, in his *Historical Sketches*, dwells upon the history of this great man, because a practice has prevailed of late years in the profession which he adorned, and even upon the bench which he so much more than any of his predecessors illustrated, of treating him with much less respect than was his due. The narrow minds of little men cannot expand even to the full apprehension of that excellence with which superior natures are gifted, or which they have by culture attained. It has thus grown into a kind of habit with some men, very respectable in their own departments, to decry Lord Mansfield as no lawyer, to speak lightly of his decisions, and to gratulate themselves that he did not get greater changes into our legal system by further departure from strict rules. But a more enlarged view of even the rigorous doctrines of the jurisprudence will at once brush these cavils away, and show the truth of a position ever denied by the vulgar, both gowned and ungowned, that great minds may be correct in detail, or powerful to deal with the most general principles.

POPE AND LORD MANSFIELD.

FOR some time after Murray's call to the Bar he was without any practice. There is a letter

from Pope, in answer to one from him, in which he mentions this shortcoming with good humour. A speech which he made as counsel at the bar of the House of Lords first brought him into notice, to which Pope alludes in the following lines—

Graced as thou art, with all the power of words,
So known, so honour'd at the House of Lords.

The second of these lines is a great falling-off from the first; they were thus parodied by Colley Cibber—

Persuasion tips his tongue whene'er he talks,
And he has chambers in the King's Bench Walks.

To these chambers (No. 5) Pope has an allusion in one of the least read, but not least beautiful of his compositions—his imitation of the first ode of the fourth Book of Horace—

To *Number five* direct your doves,
There spread round Murray all your blooming loves;
Noble and young, who strikes the heart
With every sprightly, every dulcet part:
Equal the injur'd to defend,
To charm the mistress, or to fix the friend.
He with an hundred hearts refined,
Shall spread thy conquests over half the kind;

To him each rival shall submit,
Make but his riches equal to his wit.

The two last verses allude to an unsuccessful address made by his lordship, in the early part of his life, to a lady of great wealth. Pope adverts to it in the following lines—

Shall one, whom nature, learning, birth
conspir'd,
To form, not to admire, but be admir'd,
Sigh, while his Chloe, blind to wit and worth,
Weds the rich dulness of some son of earth?

It has been argued that his knowledge of the law was by no means profound, and that his great professional eminence was owing more to his oratory than his knowledge. To this early charge against him Pope thus alludes—

The Temple late two brother serjeants
saw,
Who deem'd each other oracles of law;
Each had a gravity would make you split,
And shook his head at *Murray* as a wit.
Imitations of Horace, book ii. epist. 2.

At the Castle House, Tunbridge Wells, then occupied by a sister of the Bishop Rochester, Lord Mansfield was her guest, and Cumberland, in his *Memoirs*, relates some interesting anecdotes of his lordship's visits here. Lord Mansfield possessed the admirable faculty of making every person pleased with himself. He delighted in the company of young persons of intellect, and was a constant frequenter of the public rooms at Tunbridge Wells.

Lord Mansfield being told of the following motto on the coach of a very eminent quack—"A *numine salus*," thus translated it, "*God help the patient*."

Lord Sandwich said of Mansfield, that "his talents were more for common use, and more at his fingers' ends, than those of any other person he had known."

Whilst Mr. Dunning, afterwards Lord Ashburton, was at the bar, he by his conduct did much to support the character and dignity of a barrister, which was frequently disregarded by Lord Mansfield, at that time Chief Justice. The attempts of the Chief Justice to browbeat

the counsel were on many occasions kept in check by the manly and dignified conduct of Mr. Dunning. Lord Mansfield possessed great quickness in discovering the gist of a cause, and having done so, used to amuse himself by taking up a book or a newspaper whilst counsel was addressing the court. Whenever Mr. Dunning was speaking, and his lordship seemed thus to hold his argument as of no consequence, the advocate would stop suddenly in his address, and on his lordship observing, "Pray go on, Mr. Dunning," he would reply, "I beg your pardon, my lord, but I fear I shall interrupt your lordship's *more important* occupations. I will wait until your lordship has leisure to attend to my client and his humble advocate."

Lord Mansfield was in the habit of favouring with particular notice Fielding, the son of the novelist. One day his lordship asked him for a pinch of snuff, and Fielding gave him a box containing Lundy-foot, instead of one which held French rappee. Lord Mansfield, who was not a regular snuff-taker, took so large a pinch that he was nearly suffocated. "Why, Fielding," he exclaimed, "what *have* you given me? I have nearly poisoned myself!" "I humbly beg your lordship's pardon," replied Fielding, "I did not know you disliked *Irish blackguard*." "Why, really, you don't say you have anything about you that would come under that denomination?" rejoined Lord Mansfield. "Pardon me,

my lord," returned Fielding, "I generally keep it for the accommodation of the bench." "Pshaw," said his lordship, "the joke would have been a good one had it not gone down my throat. I say, Fielding, let me be excused from these accommodations for the future." When Fielding made his *débat* in court he was put completely at ease by Lord Mansfield addressing him in a good-humoured and encouraging tone—"Well, *Tom Jones*, let us hear what you have got to say."

Nothing could be more agreeable than Lord Mansfield's elocution, although his language would not always endure critical examination; but his voice was so pleasing, and his gesture so graceful, that all his other defects were overlooked. Wilkes said, that to hear the puisne judges deliver their judgments after their chiefs had concluded, "was like a draught of hog's-wash after a bottle of champagne." Mansfield was particularly happy in the statement of a case. Some one observed that it "was worth the argument of another man." He was fond of enlivening the court with sallies of good humour. A Jew was once brought before him to justify bail for fifty pounds, who made up in lace upon his coat what he wanted in honesty in his character. The counsel put to him the usual question—"Are you worth fifty pounds after your just debts are paid?" "How can you ask such a question," exclaimed Lord Mansfield; "don't you see that he would burn for thrice the money."

RISE OF LORD CAMDEN.

ALTHOUGH Lord Camden entered the profession with all the advantages of elevated station, he was less successful in its pursuit, and came more slowly into the emoluments of the law, than almost all others who can be mentioned who have raised themselves from humble and obscure beginnings. One can hardly name any other chief judge, except Bacon himself, who was the son of a chief justice. Lord Camden's father presided in the Court of Queen's Bench. He was called to the Bar in his twenty-fourth year, and he continued to await the arrival of clients—"their knocks at his door while the cock crew"—for fourteen years; but to wait in vain. In his thirty-eighth year he was on the point of retiring from Westminster Hall, when he was persuaded by his friend, Lord Henley, afterwards Lord Northington, to go once more the western circuit, and, through his kind offices received a brief as his junior in an important case. The leader's accidental illness threw upon Mr. Pratt the conduct of the cause; and his great eloquence and practical expertness, at once opened for him the way to a brilliant fortune. He obtained the verdict, and received several retainers before he left the Hall. He was made a King's Counsel in 1755; and in 1757 was appointed Attorney-General, by his old friend Pitt, who was Prime

Minister. He now had an opportunity of acting upon the great principles of justice for which he had contended so long. When John Wilkes was seized and committed to the Tower for the *North Britain*, No. 45,* his lordship granted him a *habeas corpus*; and, on being brought before the Common Pleas, discharged him from his confinement, amid the shouts of the people, which were heard with dismay at St. James's. After the liberation of Wilkes, he condemned successfully, "General Warrants," and "Search Warrants for Papers," which rendered him the idol of the nation. Busts and prints of him were hawked through remote villages; a Reynolds's portrait of him was hung up in the Guildhall; he had the freedom of London presented to him in a gold box; he grimly laid down the law from sign-posts; English journals and travellers carried his fame over Europe. He was raised to the peerage, and next year made Lord Chancellor.

Mr. Bentham tell us that Lord Camden once said to him, that,

* The first house on the right (now rebuilt) in Crane-court, Fleet-street, was, about a century ago, the scene of this monstrous abuse of power. Here lived Dryden Leach, the printer, who in 1763, was arrested on a general warrant, upon suspicion of having printed Wilkes's *North Britain*, No. 45. Leach was taken out of his bed in the night, his papers were seized, and even his journeymen and servants were apprehended; the only foundation of the arrest being a hearsay that Wilkes had been seen going into Leach's house. Wilkes had been sent to the Tower for the No. 45; after much litigation, he obtained a verdict of 4000*l.*, and Leach 300*l.* damages from three King's Messengers, who had executed the illegal warrants.—*Curiosities of London.*

in his hearing, Lord Mansfield had declared he always made it a principle never to listen to any private or *ex parte* statements, lest they should in some way influence his judgment, when he had to pronounce judicially on the matter which they concerned. Lord Camden added, that *his* principle was otherwise, and that he was never afraid of being improperly influenced by anything which he heard out of court.

PARSIMONY OF LORD KENYON.

LORD KENYON, when a clerk, it is said, was much annoyed at being constantly solicited by the wife of his master to discharge duties usually considered as pertaining rather to the office of a menial. Once the lady addressed him—"Pray, Mr. Kenyon, as you are going out, will you be kind enough to call at the greengrocer's, and order me a cauliflower; or stay, perhaps, you would have no objection to bring it home with you?" Kenyon bowed, and at his return informed the worthy dame he had performed her commands, and that he had paid sixpence for the vegetable, and eighteenpence for a chair to bring it home. This was the last time such a request was preferred to him.

Lord Kenyon studied economy even in the hatchment put up over his house in Lincoln's-inn-fields after his death. The motto was certainly found to be "*Mors janua vita*"—this being at first supposed to be the mistake of

the painter. But when it was mentioned to Lord Ellenborough, "Mistake!" exclaimed his lordship, "it is no mistake. The considerate testator left particular directions in his will that the estate should not be burdened with the expense of a *diphthong*!" Accordingly, he had the glory of dying very rich. After the loss of his eldest son, he said with great emotion to Mr. Justice Allan Park, who repeated the words soon after to the narrator—"How delighted George would be to take his poor brother from the earth, and restore him to life, although he receives 250,000*l.* by his decease!" Lord Kenyon occupied a large, gloomy house in, Lincoln's-inn-fields: where it was said,—“All the year through it is Lent in the kitchen and Passion-week in the parlour.” Some one having mentioned that, although the fire was very dull in the kitchen-grate, the *spits* were always bright,—“It is quite irrelevant,” said Jekyll, “to talk about the *spits*, for *nothing* ‘turns’ upon *them*.” The desolate and forlorn appearance of the house, together with the widely blown reputation of its owner, irresistibly recalled Pope's lines:—

‘Like some lone chartreuse, stood the good old hall,
Silence without, and fasts within the wall.”

Chief Justice Kenyon was curiously economical about the adornment of his head. It was observed for a number of years before he died, that he had two hats and two wigs—of the hats and the wigs one was dread-

fully old and shabby, the other comparatively spruce. He always carried into court with him the very old hat and the comparatively spruce wig, or the very old wig and the comparatively spruce hat. On the days of the very old hat and the comparatively spruce wig, he shoved his hat under the bench, and displayed his wig; but on the days of the very old wig and the comparatively spruce hat, he always continued covered. He might often be seen sitting with hat over his wig, but the Rule of Court by which he was governed on this point is doubtful.

His parsimony was more remarkable even than his deficiency of scholarship. "His dress," says Mr. Espinasse, "was the daily subject of joke or comment, whenever the Lord Chief Justice appeared and took his seat on the Bench. I happened to be in conversation with Lord (then Mr.) Erskine, at Guildhall, before Lord Kenyon arrived there. When he entered the court, Pope's lines in the *Dunciad*, on Settle the poet, came across me, and I quoted them involuntarily:—

"Known by the band and suit which
Settle wore—

His only suit for twice three years
before."

"The period of six years," said Erskine, laughing, "during which that poet had preserved his full trimmed suit in bloom, seemed to Pope to be the maximum of economy; but it bears no proportion to Kenyon's. I remember the green which he now has on at least a dozen

years ago!" "When I last saw the learned lord," continues Mr. Espinasse, "he had been Lord Chief Justice for nearly fourteen years, and his coat seemed coeval with his appointment to the office. It must have been originally black; but time had mellowed it down to the appearance of a sober green, which was what Erskine meant by his allusion to its colour. I have seen him sit at Guildhall, in the month of July, in a pair of black leather breeches; and the exhibition of shoes frequently soled afforded equal proof of the attention which he paid to economy in every part of his dress." The learned judge had a trick of placing his feet in such a way as to make his economy in this respect visible to the whole court. This gave rise to a joke amongst the attorneys, who used to say, if they wanted a judge's order for leave to amend any error in the pleadings—"I shall take out a summons before Kenyon, because he can't refuse an amendment for the *soul* (sole) of him!"

A gentleman, from whom Lord Kenyon purchased his house at Richmond, going into the neighbourhood, some time afterwards, went to see his old quarters. On a table in one of the rooms he saw lying the Bible, Epictetus, and the *Whole Duty of Man*. "Does my lord read this?" he inquired of the old housekeeper, taking up the Bible. "No," was the reply; "he is always poring over this little book," pointing at Epictetus. "I don't know what it is.

My lady reads the two others ; they come down here on a Saturday evening with a leg or shoulder of mutton ; this serves them the Sunday, and they leave me the remains."

But Lord Kenyon was remarkable for the kindly manner with which he conducted himself towards the junior bar. At a time when Garrow was comparatively unknown in the profession, he was arguing before the court in a manner anything but convincing or satisfactory. "Oh, Mr. Garrow," said the Chief Justice, "do not pursue that, you were made for better things." Garrow, when he had attained to the first rank amongst our advocates, once interrupted a question put to a witness by Best (Lord Wynford), who was then in the commencement of his career—"That is not evidence," said he, "No," said Lord Kenyon, mildly, "it is not evidence as it stands ; but Mr. Best is a very sensible young man, and we must trust that he will follow it up with other questions that will make it evidence." Mr. Justice Bayley, while on the Northern Circuit, was one day summing up to a jury, when he was very much disturbed by Mr. Gray, son of the late Bishop of Bristol, who was talking in court with another counsel rather loudly. The judge gently reproved the offender by saying to him, "Mr. Gray, if ever you arrive here, which some of these days I hope you will do, you will know the inconvenience of counsel talking while you are summing up."

In Scotland the distance between the Bench and the Bar seems less respected than in England—and a mutual interchange of familiar jokes seems to be, or at least to have been practised in their courts, which would appear indecent and unseemly in Westminster Hall. Mr. Roscoe relates an anecdote of a great Scotch lawyer, as renowned for his wit as for his learning (probably Mr. Henry Erskine), pleading before a judge with whom he was on the most intimate terms. Happening to be retained for a client of the name of Tickle, he commenced his speech, "Tickle my client, the defendant, my lord." He was interrupted by a laugh in court, which was immediately increased by the judge exclaiming, "Tickle her yourself, you are as able to do so as I am." It was amusing to see how Lord Kenyon seized every tempting opportunity to ridicule the courts of equity, of which Mr. Scott was confessedly the prime ornament.

As to his personal character, we must observe that Kenyon brought to the Bench a violent and petulant temper. Whilst at the Bar, he was engaged in perpetual wrangles with his colleagues. Once having conducted himself with much irritation of manner, the judge said to him, "Pray, Mr. Kenyon, keep your temper." "My lord," said Mr. Cowper, who was sitting by, "you had better recommend him to part with it as soon as possible." On the Bench he displayed the same irascible

temperament. When the puisne judges differed with him as to a direction he had given the jury, he exclaimed, in a tone of mortified vanity, "Good God! what injustice have I hitherto been doing!" He was once examined respecting the emoluments of his office before a committee of the House of Commons, over which Mr. Abbott, who then held a subordinate post in the King's Bench, presided. Lord Kenyon declining to reply to some question put to him, the chairman, with characteristic pomposity, informed him that he was armed with the authority of the Commons House of Parliament. "Sir," replied the irascible Chief Justice, "I have not come here to be yelped at by my own turnspit!"—*Abridged chiefly from Polson's Law and Lawyers.*

LORD THURLOW.

NO step in the career of a man, who, born in a humble Norfolk parsonage, by the force of his own talents fought his way up to the highest office in the State, can be undeserving of attention; and that Warburton of the woollack, Lord Chancellor Thurlow, certainly forms no exception to the law which makes us study with interest the rise of one who, whatever may have been his faults, was a man of vigorous influence and powerful intellect. What a compliment did Johnson pay to his conversational and argumentative powers when he said of him, "I would prepare myself for no man in England but

Lord Thurlow. When I am to meet him I should wish to know a day before." Thurlow was placed at the Grammar School at Canterbury, and thence sent to Cambridge, next entered at the Society of the Inner Temple, and in 1754 joined the Western Circuit in the ensuing spring. In 1761 he obtained the rank of King's Counsel. One evening, at Nando's Coffee-house (at the east corner of Inner Temple Lane), the *Douglas case* was the topic of discussion, and some gentlemen engaged in it were regretting the want of a competent person to digest a mass of documentary evidence. Thurlow being present, one of them, half in earnest, suggested him, and it was agreed to give him the job. A brief was delivered with the papers, but the cause did not come on for more than eight years afterwards, and it was a purely collateral incident to which he was indebted for his rise. This employment brought him acquainted with the famous Duchess of Queensbury, the friend of Pope, Gay, and Swift, and an excellent judge of talent. She saw at once the value of a man like Thurlow, and recommended Lord Bute to secure him by a silk gown. He was made King's Counsel in 1761, less than seven years after his call to the bar. Soon after his introduction to office he attracted the notice of George III., by his zeal and energy in supporting the policy of Lord North's Government respecting America, and in which the King is known to have taken the

warmest interest, and which is known to have procured for him a degree of confidence, and even of personal regard on the part of the King, which continued unabated for upwards of twenty years. In 1778 Lord Chancellor Bathurst resigned his appointment, and Thurlow was raised to the Peerage, and appointed his successor. Four years afterwards, in 1782, when Lord North was removed from power, Thurlow remained in possession of the Great Seal by the express command of the King, and in spite of Mr. Fox's opposition to his continuance in office; thus furnishing an instance without a parallel in the history of English party, of a Lord Chancellor retaining office under an administration to all the leading features of whose policy he was resolutely opposed. This could not be endured by so powerful a Minister as Mr. Pitt, and Lord Thurlow resigned, but declared in conversation that "no man had a right to treat another as the King had treated him;" and he went so far as to say that his Majesty had been imposed upon.

When Lord Thurlow was created a Peer, the proper officer of Heralds' College waited on him for his pedigree, that it might be presented to the House of Peers in the customary manner. Lord Thurlow's stern nature could never yield to any exposure of the meanness of his origin, for his father was an honest weaver of Norwich. The oft-repeated question respecting his father was at last varied by the herald to "What was your

mother's name?" "I cannot tell," was the only surly reply, and this reply is now recorded in the House of Peers roll instead of a long pedigree.

The ardent zeal with which Lord Thurlow contested the great question of the Regency, led him to be guilty of an act of great disingenuousness. Dr. Watson, then Bishop of Landaff, in the course of a speech in which he supported the claims of the Prince of Wales, incidentally cited a passage from Grotius, with regard to the definition of the word *right*. "The Chancellor, in his reply," says the Bishop, in his Memoirs, "boldly asserted that he perfectly well remembered the passage I had quoted from Grotius, and that it solely respected natural, but was inapplicable to civil, rights. Lord Loughborough, the first time I saw him after the debate, assured me that before he went to sleep that night he looked into Grotius, and was astonished to find that the Chancellor, in contradicting me, had presumed on the ignorance of the House, and that my quotation was perfectly correct. What miserable shifts do great men submit to in supporting their parties! The Chancellor Thurlow," continues the Bishop, "was an able and upright judge, but as the Speaker of the House of Lords he was domineering and insincere. It is said of him, that in the Cabinet he opposed everything, proposed nothing, and was ready to support anything. I remember Lord Camden saying to me one night, when the Chancellor was

speaking, contrary, as he thought, to his own conviction, 'There, now! I could not do that: he is supporting what he does not believe a word of.'

Lord Thurlow's conduct in this matter was extremely cunning. In 1788 he actively intrigued with the Whigs on the Regency question, in opposition to his colleagues; but suddenly discovering from one of the physicians the approaching convalescence of the royal patient, he at one moment's notice deserted the Carlton House party, and, says Lord Brougham, "came down with an assurance unknown to all besides, perhaps even to himself not known before, and in his place undertook the defence of the King's right against his son and his partisans;" adding in conclusion, "And when I forget my Sovereign, may my God forget me." When, however, Thurlow attempted, in 1792, the same ruse with Pitt, whom he cordially hated, which he had played off under a former administration, by voting against his colleagues, the King, on Mr. Pitt's application at once consented to Lord Thurlow's removal, "without any struggle or even apparent reluctance."

Lord Thurlow was a great master of intrigue and slyness. On one occasion, during the Regency communications at Windsor, he left his colleagues to go to Salt Hill, while he contrived to dine at the Castle. On another occasion, during these manœuvres of the Chancellor at Windsor, he betrayed, to the no

small amusement of his colleagues, the secret of an interview which he had just had with the Prince, by coming to the Council with his Royal Highness' hat in his hand, instead of his own!

A circumstance is recorded in the Memoirs of Sir Samuel Romilly which proves that till within a few months of his death Lord Thurlow was still confidentially consulted by members of the Royal family. On the occasion of the first communication of the charges made by Lady Douglas against the Princess of Wales, in 1805, the Prince (afterwards George IV.) directed that Thurlow should be consulted, and the particulars of the interview between him and Sir Samuel Romilly are characteristic and interesting.

Lord Brougham tells us that the aspect of Lord Thurlow was more solemn and imposing than almost any other person in public life, so much so that Mr. Fox used to say it would prove him dishonest since no man could *be* so wise as he *looked*. Nor did he neglect any of the external circumstances, how trifling soever, by which attention and deference could be secured on the part of his audience. Not only were the periods well rounded, and the connecting matter or continued phrases well flung in, but the tongue was so hung as to make the sonorous voice peal through the hall, and appear to convey things which it would be awful to examine too near, and perilous to question. Nay, to the more trivial circum-

stance of his place, when addressing the House of Lords, he scrupulously attended. He rose slowly from his seat, he left the woosack with deliberation, but he went not to the nearest place, like ordinary Chancellors, the sons of mortal men; he drew back by a pace or two, standing as it were askance, and partly behind the huge bale he had quitted for a season, he began to pour out, first in a growl, and then in a clear and louder roll, the matter which he had to deliver, and which, for the most part, consisted in some positive assertions, some personal vituperation, some sarcasms at classes, some sentences as if they were pronounced upon individuals, as if they were standing before him for judgment, some vague mysterious threats of things purposely not expressed, and abundant protestations of conscience and duty, in which they who keep the consciences of kings are apt to indulge.

*LORD THURLOW AND
EDMUND BURKE.*

THE Lord Chancellor Thurlow was negotiating at Carlton House for the preservation of his office nearly up to the moment of the King's recovery becoming probable. Such artful elasticity of conscience Mr. Burke did not spare, but assailed him with several sarcasms, particularly when, in the House of Lords, the wily Chancellor, in allusion to the King's affliction, said, "When I forget his Majesty's favours, may God forget me." The theatrical tears then

shed, Burke remarked, "were not the tears of patriots for dying laws, but of Lords for their expiring places; the iron tears which flowed down Pluto's cheek rather than resembled the dismal bubbling of the Styx than the gentle murmuring of Aganippe; in fact, they were tears for his Majesty's bread, and those who shed them would stick by the King's loaf as long as a single cut of it remained—while even a crust of it held together."

*LORD THURLOW'S START
IN LIFE.*

THURLOW had travelled the circuit for some years with little notice, and with no opportunity to put forth his abilities; when the housekeeper of the Duke of N—— was prosecuted for stealing a great deal of linen with which she had been entrusted. An attorney of little note and practice conducted the woman's case. He knew full well that he could expect no hearty co-operation in employing any of the leading counsel; it was a poor case, and a low case; and it could not be expected that they "the foremost men of all the Bar," would set themselves tooth-and-nail against the Duke, who, in himself, his agents, and his friends, made the greatest part of every high legal and political assemblage in the county. The attorney looked round, therefore, for some young barrister who had nothing to lose, and might have something to win; and he fixed upon Thurlow, who read over the

brief with the highest glee, and had an interview with the prisoner. As he entered the court, he jogged a briefless one, and said, in his favourite slang language,—“Neck or nothing, my boy, to-day. I’ll soar or tumble.” The opening speech of the eminent counsel for the Duke, and the evidence, completely convicted the woman. But Thurlow, by his withering cross-examination of the witnesses, his sneers at the Duke and Duchess, and his powerful address to the jury upon the “grovelling persecution,” triumphed—the woman was acquitted, and from that day the powers of Thurlow, in voice, sarcasm, gesture, and all the superior intonations of brow-beating, which raised him to the most dangerous pinnacle of legal greatness, became known, and rapidly advanced him to fame, and the grandchildren of his father to be enrolled among the established peers of the realm.

LORD THURLOW’S DISMISSAL.

THURLOW did not altogether like the tone of conscious superiority which the youthful prime minister assumed to teach him. Once, at table, Pitt was expatiating on the superiority of the Greek over the English language; and cited, as an instance, the fact that two negatives made a thing more positive than one affirmative could do. “Then your father and mother,” exclaimed Thurlow, in his gruff style, “must have been two negatives,

to have made such a positive fellow as you are.”

The cabinet squabbles between Thurlow and Pitt soon became known. “The account I gave of them,” says Mr. Bentham, “was expressed by three words, ‘Le Chancelier chancele;’ and the truth of the intelligence was not long after demonstrated by the result,” as we have stated.

Thurlow was severely mortified at his dismissal. “No man,” said he, “has a right to treat another in the way the King has treated me. We cannot meet again in the same room.” The following account is given by Sir John Sinclair of the manner in which Lord Thurlow was dismissed:—“None of the ministers seemed willing to be the person to demand the Seals (which it was desirable should be done personally), from the ungracious reception which it was supposed he would meet with. At last Lord Melville was prevailed upon to undertake the task. He adopted the following plan for that purpose. The evening before he sent a note to the Chancellor, informing him that he proposed having the honour of breakfasting with him the next day, and that *he had some very particular business to settle with him*. On his coming next morning, Lord Thurlow said to him, ‘I know the business on which you have come. You shall have the bag (purse) and Seals. *There they are,*’ pointing to a table on which he had placed them, ‘and there is your breakfast,’ of which they partook

very sociably together. Lord Melville said that he never saw Lord Thurlow in better humour, and they parted, apparently, very good friends."

PORTRAIT OF LORD THURLOW.

LORD CAMPBELL has thus described, from recollection, the appearance of Lord Thurlow—"bent with age, dressed in an old-fashioned great coat, with breeches and gaiters of the same stuff, a brown, scratch wig, tremendous white bristly eyebrows, eyes still sparkling with intelligence, dreadful crow's-feet round them, very deep lines in his countenance, and shrivelled complexion, a sallow hue." We are reminded of this *flattering* portrait by the *Vanity Fair* heads of the present day.

THE RIGHT OF FREE PASSAGE THROUGH RICHMOND PARK.

DURING the rangership of Sir Robert Walpole, the permission, or rather right to a free passage through Richmond Park, was first contested, and the ladder-gates were taken away from the entrances. The result of this rash and inconsiderate proceeding was an action at law against the Princess Amelia, which, after many delays, was tried at Kingston Assizes, before that upright judge, Sir Michael Forster. Of this case the following account was given by Lord Thurlow then at the bar, in a letter to the nephew of the judge:—

"Dear Sir,—I write at the hazard of your thinking me im-

pertinent, to give you the pleasure of hearing that of your uncle which in all probability you will not hear from him; I mean the great honour and general esteem which he has gained, or rather, accomplished, by his inflexible and spirited manner of trying the Richmond cause, which has been so long depending, and so differently treated by other judges. You have heard what a deficiency there was of a special jury, which was imputed to their backwardness to serve a prosecution against the princess. He has fined all the absentees £20 a piece. They made him wait two hours, and at last resorted to a *tales*. When the prosecutors had gone through part of the evidence, Sir Richard Lloyd, who went down on the part of the Crown, said that it was needless for them to go on upon the right, as the Crown was not prepared to try that, this being an indictment which could not possibly determine it, because the obstruction was charged to be in the parish of Wimbleton, whereas it was in truth in Mortlake, which was a distinct parish from Wimbleton. They maintained their own poor, upheld their own church, and paid tithes to their own parson; and Domesday Book mentions Mortlake. On the other side, it was said that Domesday Book mentions it as a baron's fee, and not as a parish; and that the survey in the time of Henry VIII. mentions Wimbleton *cum capellis suis annexis*; and also that a grant of it in the time of Ed-

ward VI. makes a provision of tithes for the vicar to officiate in the chapel of Mortlake. The judge turned to the jury, and said he thought they were come thereto try a right, which the subject claimed, to a way through Richmond Park, and not to cavil about little, low objections, which have no relation to that right. He said, it is proved to be in Wimbledon parish; but it would have been enough if the place in which the obstruction was charged, had been only reported to be in Wimbledon, because the defendant and jury must have been as sensible of that reputation as the prosecutors; but had it not been so, he should have thought it below the honour of the Crown, after this business had been depending three assizes, to send one of their select counsel, not to try the right, but to hinge upon so small a point as this. Upon which Sir Richard Lloyd made a speech, setting forth the gracious disposition of the king in suffering this cause to be tried, which he could have suppressed with a single breath, by ordering a *nolle prosequi* to be entered. The judge said he was not of that opinion. The subject is interested in such indictments as those for continuing nuisances, and can have no remedy but this, if their rights be encroached upon; wherefore, he should think it a denial of justice to stop a prosecution for a nuisance, which his whole prerogative does not extend to pardon. After which, the evidence was gone through; and the judge summed

up shortly, but clearly, for the prosecutors. It gave me, who am a stranger to him, great pleasure to hear that we have one English judge whom nothing can tempt or frighten, ready and able to uphold the laws of his country as a great shield of the rights of the people. I presume that it will give you still greater pleasure to hear, that your friend and relation is that judge; and that is the only apology I have to make for troubling you with this. — I am, dear sir, your most humble servant, E. THURLOW."

The result of this suit is well known; ladder-gates were ordered to be put up at some of the entrances, which was done. By a notice affixed to the public gates, "Passengers are required to take notice that the keepers in shooting deer can *only* take notice of the direction of the public footpaths," an intimation looking very like a permission to shoot passengers who cannot read, or who may have the misfortune to lose their way. The good taste or judgment of a notice like this affixed to a thoroughfare, of which the public right had been solemnly established in a court of justice, may be questioned; it has the aspect, at least, of an indirect attempt to narrow a right, the assertion of which has caused so much trouble and annoyance.

LORD STOWELL.

SIR HENRY HOLLAND, in his *Recollections*, says: "If I were to seek a strongly marked contrast to the character, figure, and

speech of Talleyrand, I might name Lord Sidmouth, a patient of mine at the same period." The contrast is so strong that the bare juxtaposition looks strange. Canning's parodies and epigrams had not prepared us to find "the Doctor" taking the lead in conversation. Yet so it was—the scene, Lord Stowell's house in Grafton Street. "Lord Sidmouth was the talker of the party; but the whimsical roll of Lord Stowell's massive shoulders, without uttering some interlocutory phrase of dry humour, was worth more to the eye than any amount of speech to the ear. Lord Alvanley's description of him, as 'a conceited Muscovy duck,' had an amusing personal reality about it, felt even by those who knew his merits as a judge and master of international law. His house curiously illustrated the habits of the man, in its utter detestation of all the appliances of luxury or comfort. The furniture was never either changed or cleaned. Year after year I wrote prescriptions there with the same solitary pen—the single one, I believe, in his possession—and rarely used by himself after his retirement from public business. *He had corresponded with Dr. Johnson early in life.* Latterly, he rarely wrote a letter. Of society, even legal, he had little or none, and he did not covet it."

Lord Stowell, (then D. Scott,) was Johnson's travelling companion from Newcastle to Edinburgh, and was accidentally prevented from accompanying Johnson and Boswell in the tour

to the Hebrides. They frequently dined together at the "Mitre," besides meeting at the Club. Hewon the Doctor's heart by giving Boswell, who was teasing all his acquaintance for a definition of taste, the following: "That faculty of the mind which leads a Scotchman to prefer England to his own country." Speaking of investments, he avowed a marked predilection for "the beautiful simplicity of the Three per Cents!" He defended dinners for public or legal purposes, on the ground that a dinner *lubricates* business. In penuriousness and fondness for port, Lord Stowell and his brother Lord Eldon were alike. It is a moot point which of them said of the other, in answer to the inquiry how much wine he could drink at a sitting, "any given quantity."—*Quarterly Review*, No. 263.

LORD STOWELL'S LOVE OF SIGHT-SEEING.

LORD STOWELL loved manly sports, and he was pleased with rude and popular diversions. He gloried in Punch and Judy. He used to boast that there was not a puppet-show in London he had not visited. He once made a party with Windham to visit Cribb's, and the Fives' Court as a favourite resort. "There were favourite characters," he observed, "to be seen at these places."

Townshend, in his *Lives of Twelve Judges*, relates that Lord Stowell was the most indefatigable sight-seer in London.

Whatever show could be visited for a shilling, or less, was visited by Lord Stowell. In the western end of London there was a room generally let for exhibitions. At the entrance, as it is said, Lord Stowell presented himself, eager to see "the green monster serpent," which had lately issued cards of invitation to the public. As he was pulling out his purse to pay for his admission, a sharp but honest north-country lad, whose business it was to take the money, recognised him as an old customer, and knowing his name, thus addressed him: "We can't take your shilling, my lord; 'tis the old serpent which you have seen twice before in other colours; but ye shall go in and see her." He entered, saved his money, and enjoyed his third visit to the painted beauty. This love of "seeing sights" was, on another occasion, productive of a whimsical incident. Some forty years ago, an animal, called a "Bonassus," was exhibited in the Strand. On Lord Stowell's paying it a second visit, the speaker very courteously told his lordship that he was welcome to come, gratuitously, as often as he pleased. Within a day or two after this, however, there appeared, under the bills of the exhibition, in conspicuous characters, "Under the patronage of the Right Hon. Lord Stowell;" an announcement of which the noble and learned lord's friends availed themselves, by passing many a joke upon him; all which he took with the greatest good humour.

LORD ERSKINE AND THELWALL.

THELWALL, when on his trial for treason in 1792, kept up an incessant correspondence with his counsel. Dissatisfied with a part of his case, he passed a slip of paper, "I will plead my own cause;" to which Erskine scribbled, "If you do, you'll be hanged." To which Thelwall gave the quibbling rejoinder, "Then, I'll be hanged if I do." Thelwall was an extraordinary man: he one day, very late in life, declared, in our hearing, that *ab initio*, his political principles had been entirely mistaken.

ERSKINE'S TEMPER.

ERSKINE, the distinguished Scottish lawyer, is characterised by Lord Brougham as one "in all respects, the charms of whose social converse were unbounded, of a demeanour that every instant showed his noble birth; in manners, of perfect ease, polish, and grace; of a temper the most sweet, and of spirits the most joyous and gay, without ever being boisterous, turbulent, or obtrusive; of conversation the most various, never refusing a serious turn, though delighting in every species of mirth, from refined comedy to broad farce. He was the life and soul of every circle in which he mixed. Affable to those below him—full of firmness and independence to his superiors—together without a particle of

envy, or jealousy, or gall, in his whole composition—no wonder that he was the darling of the age and the country in which he lived. He was most happily and most justly described, by one who knew him well, ‘as the best beloved man in all Scotland.’ This was said by the late Lord Kinnaird, in the House of Commons, himself amongst the most quiet and delightful, as well as honourable, of men.”

Dr. Dibdin, who was originally intended for the Bar, says, “Towards evening, it was the fashion for the leading counsel to promenade, during the summer, in the Temple Gardens. Cocked hats and ruffles, with satin small-clothes and silk stockings, at this time constituted the usual evening dress. Lord Erskine, though a good deal shorter than his brethren, somehow always seemed to take the lead, both in place and in discourse, and shouts of laughter would frequently follow his dicta.”

Lord Rosslyn was in the habit of ridiculing the egotism which deformed Erskine’s character, in a vein of good-humoured pleasantry. He used to say, in jest, that Erskine once addressed a public meeting in the following words, or to the like effect:—“As to me, gentlemen, I trust I have some title to give my opinion freely. Would you know whence my title is derived? I challenge any man among you to inquire! If he ask my birth—its genealogy may rank with kings! If for my wealth—it is all for which I

have time to hold out my hand! If my talents—no! of these, gentlemen, I leave you to judge for yourselves!”

‘RISE OF LORD ERSKINE.

LORD ERSKINE’S own account of the circumstance to which he owed his celebrity at the English Bar is this:—“I had scarcely a shilling in my pocket when I had my first retainer. It was sent me by a Captain Baillie, of the Navy, who held an office at the Board of Greenwich Hospital; and I was to show cause in the Michaelmas term against a rule that had been obtained against him, in the [preceding term, calling on him to show cause why a criminal information for a libel reflecting on Lord Sandwich’s conduct, as governor of that charity, should not be filed against him. I had met, during the long vacation, this Captain Baillie at a friend’s table; and after dinner expressed myself with some warmth, probably with some eloquence, on the corruption of Lord Sandwich, as First Lord of the Admiralty; and then adverted to the scandalous practices imputed to him, with regard to Greenwich Hospital. Baillie nudged the person who sat next to him, and asked who I was. Being told that I had been just called to the Bar, and had been formerly in the navy, Baillie exclaimed, ‘Then, by G—! I’ll have him for one of my counsel.’ I trudged down to Westminster Hall when I got the brief, and being the junior

of five who would be heard before me, never dreamt that the court would hear me at all. The argument came on. Dunning, Bearcroft, Wallace, Bower, Hargrave, were all heard at considerable length, and I was to follow. Hargrave was long-winded, and tired the court. It was a bad omen. But as my good fortune would have it, he was afflicted with the strangury, and was obliged to retire once or twice in the course of his argument. This protracted the cause so long, that when he had finished, Lord Mansfield said that the remaining counsel should be heard next morning. This was exactly what I wished. I had the whole night to arrange in my chambers what I had to say the next morning; and I took the court with their faculties awake and freshened, succeeded quite to my own satisfaction, (sometimes the surest proof that you have satisfied others), and as I marched along the hall, after the rising of the judges, the attorneys flocked round me with their retainers. I have since flourished; but I have always blessed God for the providential strangury of poor Hargrave!" The annals of English advocacy do not record a triumph more sudden, or better earned. Lord Mansfield frequently checked the young speaker when, wandering from the immediate matter at issue, he hurled the weapons of his eloquence at Lord Sandwich himself. "Lord Sandwich is not before the court," observed the chief jus-

tice, in a tone of grave reproof. "Not before the court? Then, my lord, I will *drag him* before the court," replied the intrepid advocate. It has been reported, that when he left the court, he had thirty briefs pressed on him by admiring attorneys, who had witnessed his brilliant display.

Erskine turned his brief service in the Navy to good account. He was engaged to draw up Admiral Keppel's defence, which was spoken by the Admiral. For this service he received a bank-note for 1,000*l.*, which he ran off to flourish in the eyes of his friend Reynolds, exclaiming, "*Voilà* the nonsuit of cow-beef!" He was employed in two or three other cases of public interest on account of his naval knowledge, and the extraordinary powers he displayed in them speedily led to a large general business. It is now acknowledged that Erskine's best quality was the one ordinary observers would be least likely to give him credit for—sagacity in the conduct of a cause.

A PROFITABLE HINT.

LORD CHELMSFORD relates that a friend of his at the Bar was once engaged in a nautical case, in which it appeared that a vessel had been exposed to a very severe gale of wind, and had been thrown upon her beam-ends. The barrister, ignorant of nautical matters, asked a seaman who was in the witness-box how it was they did not lower the topmast, upon which

the witness said, with a sneer, "If you knew as much of the sea as I do, you would know that this is not a very easy matter." This incident led the counsel to turn his attention to the subject; and he invented an apparatus for lowering topmasts, for which he obtained a patent, and realised thereby upwards of 20,000*l.* by this, as it might be termed, accidental invention.

LORD ERSKINE'S HUMOUR.

ERSKINE owed his title and official dignity to his faithful attachment to Mr. Fox during the critical period of the French Revolution. To the King Erskine was personally obnoxious from his having undertaken the defence of Tom Paine. When the arrangements for the "Talents" administration were in the course of settlement, Fox submitted to the King a list of such persons as his party considered eligible for the Chancellorship. At the head of this list was Erskine's name, placed there not under any expectation that the King would consent to his appointment, but merely as a mark of esteem and regard. The King, however, did not make the anticipated objection. He merely observed, "Well, if Mr. Erskine must be Chancellor, remember he is *your* Chancellor, and not mine;" and Mr. Erskine accordingly became Chancellor, much to his own astonishment and that of his friends. The surprise which they manifested arose simply

from the knowledge of how much he was disliked by the King.

When Lord Erskine was at the Bar, a case was laid before him on which he declined to give an opinion, alleging it involved a question of equity law of which he had no proper knowledge. In a month afterwards he was Chancellor. When William III. pressed the Great Seal upon Holt, the judge replied, "May it please your Majesty, I never had but one Chancery suit in my life, and that I lost. I am unfit."

Dr. Parr and Erskine were very fond of bandying compliments amongst each other. Parr once told the latter that, if he survived him, he would write his epitaph. "You are wrong to say that, doctor," replied Erskine, "for you hold out to me an inducement to *commit suicide!*"

Mr. Espinasse was conversing in court with Erskine and a Mr. Lamb, when Erskine remarked how much habit and the practice of speaking gave a man confidence in addressing the court. "I protest I don't find it so," said Mr. Lamb, "for though I've been a good many years at the Bar, and have had my share of business, I don't find my confidence increase; indeed the contrary is rather my case." "Why," replied Erskine, "it's nothing wonderful that a *Lamb should grow sheepish.*" One night Erskine was coming out of the House of Commons when he was stopped by a member going in, who accosted him. "Who's up, Erskine?" "Windham,"

was the reply. "What's he on?" "His-legs," Erskine was colonel of the volunteer corps called "The Law Association." Some one wishing to quiz him, told him that his corps were much inferior to the Excise Volunteers, then notoriously the worst in London. "So they ought to be," good-humouredly observed Erskine, "seeing that the excise people are all Cæsars (seizers)."

Boswell mentions meeting him in his youth at Sir Archibald Macdonald's. He describes him as "a young officer in the regimentals of the Scots Royals, who talked with a vivacity, fluency, and precision so uncommon that he attracted particular attention." In the course of the conversation, Erskine boasted that when at Minorca he had not only read prayers, but preached two sermons to the regiment. It was, indeed, always a favourite boast of his, to have been a sailor, a soldier, a parson, and a lawyer.

He had a most singular penchant for witnessing fires, and has been known to leave the House of Commons in the midst of a debate on hearing that a conflagration was to be seen within a mile. Sheridan said that a chimney could not smoke in the Borough without Erskine's knowledge.

ERSKINE PARODIED.

JOHN HOOKHAM FRERE was the sole author of the six imaginary reports of the "Meetings of the Friends of Freedom," in the *Anti-Jacobin*, in which the

speeches of Fox, Erskine, and the other great Opposition leaders are parodied with inimitable felicity. Nothing can surpass the flavour of the imitation of Erskine:—

"Mr. Erskine concluded by recapitulating, in a strain of agonising and impressive eloquence, the several bare heads of his speech:—He had been a soldier and a sailor, and had a son at Winchester School; he had been called by special retainers during the summer into many distant and distant parts of the country, travelling chiefly in post-chaises. He felt himself called upon to declare that his poor faculties were at the service of his country—of the free and enlightened part of it, at least. He stood there as a man. He stood in the eye, indeed, in the hand of God, to whom (in the presence of the company and waiters), he solemnly appealed. He was of noble, perhaps royal blood—he had a house at Hampstead—was convinced of a thorough and radical reform—his pamphlet had gone through thirty editions, skipping alternately the odd and even numbers—he loved the Constitution, to which he would cling and grapple—and he was clothed with the infirmities of man's nature—he would apply to the present French rulers (particularly Barras and Rewbell) the words of the poet:—

'Be to their faults a little blind,
Be to their virtues very kind:
Let all their ways be unconfined,
And clap the padlock on their mind!'

And for these reasons, thanking

the gentlemen who had done him the honour to drink his health, he should propose 'Merlin, the late Minister of Justice, and Trial by Jury!'

PORTRAIT OF CURRAN.

"I CAUGHT the first glimpse of the little man," says Mr. Charles Phillips, "through the vista of his garden. There he was. On a third time, afterwards, I saw him in a dress which you would imagine he had borrowed from his tipstaff; his hands on his sides; his under lip protruded; his face almost parallel with the horizon; and the important step, and the eternal attitude, only varied by the pause, during which his eye glanced from his guest to his watch, and from his watch reproachfully to his dining-room; it was an invariable peculiarity—one second after four o'clock, and he would not wait for the Viceroy. The moment he perceived me, he took me by the hand, said he would not have any one introduce me; and with a manner which I often thought was *charmed*, at once banished every apprehension, and completely familiarised me at the Priory. I had often seen Curran, often heard him; often read him; but no man ever knew anything about him who did not see him at his own table, with the few whom he selected. He was a little convivial deity; he soared in every region, and was at home in all; he touched upon

everything, and seemed as if he had created it; he mastered the human heart with the same ease as he did his violin. You wept, and you laughed, and you wondered; and the wonderful creature who made you do all at will, never let it appear that he was more than your equal, and was quite willing, if you chose, to become your auditor. It is said of Swift, that his rule was to allow a minute's pause after he had concluded, and then, if no person took up the conversation, to recommence it himself. Curran had no conversational rule whatever; he spoke from impulse, and he had the art so to draw you into a participation, that, though you felt an inferiority, it was quite a contented one. Indeed, nothing could exceed the urbanity of his demeanour. At the time I speak of, he was turned sixty, yet he was as playful as a child. The extremes of youth and age were met in him; he had the experience of the one and the simplicity of the other."

CURRAN AND THE JUDGE.

SOON after Mr. Curran had been called to the Bar, on some statement of Judge Robinson's, the young counsel observed, that "he had never met the law, as laid down by his lordship, in any book in his library." "That may be, sir," said the Judge; "but I suspect that your library is very small." Mr. Curran replied, "I find it more instructive, my lord, to study good works

than to compose bad ones.* My books may be few, but the title-pages give me the writers' names, and my shelf is not disgraced by any such rank absurdities, that their very authors are ashamed to own them." "Sir," said the Judge, "you are forgetting the respect which you owe to the dignity of the judicial character." "Dignity!" exclaimed Mr. Curran; "my lord, upon that point I shall cite you a case from a book of some authority, with which you are, perhaps, not unacquainted." He then briefly recited the story of Strap, in "Roderick Random," who having stripped off his coat to fight, entrusted it to a bystander. When the battle was over, and he was well beaten, he turned to resume it, but the man had carried it off. Mr. Curran thus applied the tale:—"So, my lord, when the person entrusted with the dignity of the judgment-seat lays it aside for a moment to enter into a disgraceful personal contest, it is in vain when he has been worsted in the encounter that he seeks to resume it—it is in vain that he tries to shelter himself behind an authority which he has abandoned." "If you say another word I'll commit you," replied the angry Judge; to which Mr. C. retorted, "If your lordship shall do so, we shall both of us have the consolation of reflecting, that I am not the worst thing your lordship has committed."

* Judge Robinson was the author of many stupid, slavish, and scurrilous political pamphlets; and, by his demerits, raised to the eminence which he thus disgraced.—*Lord Brougham*.

CURRAN'S QUARREL WITH FITZGIBBON.

CURRAN distinguished himself not more as a barrister than as a member of Parliament; and in the latter character it was his misfortune to provoke the enmity of a man, whose thirst for revenge was only to be satiated by the utter ruin of his adversary. In the discussion of a bill of a penal nature, Curran inveighed in strong terms against the Attorney-General, Fitzgibbon, for *sleeping on the bench* when statutes of the most cruel kind were being enacted; and ironically lamented that the slumber of guilt should so nearly resemble the repose of innocence. A challenge from Fitzgibbon was the consequence of this sally; and the parties having met, were to fight when they chose. "I never," said Curran, when relating the circumstances of the duel,—“I never saw any one whose determination seemed more malignant than Fitzgibbon's. After I had fired, he took aim at me for at least half a minute; and on its proving ineffectual, I could not help exclaiming to him, 'It was not your fault, Mr. Attorney; you were deliberate enough.'” The Attorney-General declared his honour satisfied; and here, at least, for the time, the dispute appeared to terminate.

Not here, however, terminated Fitzgibbon's animosity. Soon afterwards, he became Lord Chancellor, and a peer of Ireland, by the title of Lord Clare;

and in the former capacity he found an opportunity, by means of his judicial authority, of ungenerously crushing the rising powers and fortunes of his late antagonist. Curran, who was at this time a leader, and one of the senior practitioners at the Chancery bar, soon felt all the force of his rival's vengeance. The Chancellor is said to have yielded a reluctant attention to every motion he made; he frequently stopped him in the middle of a speech, questioned his knowledge of law, recommended to him more attention to facts, in short, succeeded not only in crippling all his professional efforts, but actually in leaving him without a client. Curran, indeed, appeared as usual in the three other courts [of the "Four Courts" at Dublin]; but he had been already stripped of his most profitable practice, and as his expenses nearly kept pace with his gains, he was almost left a beggar, for all hopes of the wealth and honours of the long-robe were now denied him. The memory of this persecution embittered the last moments of Curran's existence; and he could never even allude to it, without evincing a just and excusable indignation. In a letter which he addressed to a friend, twenty years after, he says, "I made no compromise with power; I had the merit of provoking and despising the personal malice of every man in Ireland who was the known enemy of the country. Without the walls of the court of justice, my character was pur-

sued with the most persevering slander; and within those walls, though I was too strong to be beaten down by any judicial malignity, it was not so with my clients, and my consequent losses in professional income have never been estimated at less, as you must have often heard, than 30,000*l*."

The incidents attendant on this deadly disagreement were at times ludicrous in the extreme. One day, when it was known that Curran was to make an elaborate argument in Chancery, Lord Clare brought a large Newfoundland dog upon the bench with him; and, during the progress of the argument, he lent his ear much more to the dog than to the barrister. At last the Chancellor seemed to cast aside all regard for decency: he turned himself quite aside, in the most material part of the argument, and began, in full court, to fondle the animal. Curran stopped short. "Go on, go on, Mr. Curran?" cried Lord Clare. "Oh!" replied Curran, "I beg a thousand pardons, my lord; I really took it for granted that your lordship was *employed in consultation*."

Mr. Rogers relates that he once dined with Curran in the public room of the chief inn at Greenwich, when he talked a great deal, and, as usual, with considerable exaggeration. Speaking of something which he would not do on any inducement, he exclaimed vehemently, "I had rather be hanged upon twenty gibbets." "Don't you think, sir, that one would be enough for

you?" said a girl, a stranger, who was sitting at a table next to Mr. Rogers, who adds—"I wish you could have seen Curran's face: he was absolutely confounded—struck dumb." Sir Jonah Barrington relates:—I never saw Curran's opinion of himself so much disconcerted as by Mr. Godwin, whom he had brought, at the Carlow assizes, to dine with Mr. Byrne, a friend of ours, in whose cause he and I had been specially employed as counsel. Curran, undoubtedly, was not happy in his speech on this occasion; but he thought he was. Nevertheless, we succeeded; and Curran, in great spirits, was very anxious to receive a public compliment from Mr. Godwin, as an eminent literary man, teasing him (half jokingly) for his opinion of his speech. Godwin fought shy for a considerable time; at length, Curran put the question home to him, and it could no longer be shifted. "Since you *will* have my opinion," said Godwin, folding his arms, and leaning back in his chair with *sang froid*, "I really never did hear anything so bad as your *prose*, except your *poetry*, my dear Curran!"

Curran having ordered a new bar wig, and not liking the cut of it, he jestingly said to the peruke-maker, "Mr. Gahan, this wig will not answer me at all!" "How so, sir?" said Gahan, "it seems to fit." "Ay," replied Curran, "but it is the very worst *speaking* wig I ever had. I can scarce utter one word o common law in it and as

for *equity*, it is totally out of the question."

LORD ELLENBOROUGH'S HUMOUR AND IRONY.

LORD ELLENBOROUGH sometimes read lectures of quaint and grave sarcasm peculiar to the man. An eminent conveyancer, who prided himself on having answered 30,000 cases, came express from the Court of Chancery to the King's Bench to argue a question of real property, taking for granted, rather too rashly, that common lawyers are little more acquainted with the Digest of Cruise than with the laws of China, he commenced his erudite harangue by observing that "an estate in fee simple was the highest estate known to the law of England." "Stay, stay," interrupted the Chief Justice, with consummate gravity, "let me write that down." He wrote, and read slowly and deliberately the note which he had taken of this A. B. C. axiom. "An estate in fee-simple is the highest estate known to the law of England. The Court, sir, is indebted to you for this information." There was only one person present who did not perceive the irony, and that was the learned counsel who incurred it. But though imperious to irony, it was impossible even for his self-love to avoid understanding the home thrust lunged by the judge at the conclusion of his harangue. He had exhausted the year-books and all the mysteries of the real property law in a sleepy oration, which effectually cleared the

Court, insensible alike to the grim repose of the bench and the yawning impatience of the ushers; when at the close of some parenthetical and apparently interminable sentences, the clock struck four, and the judges started to their feet, he appealed to know when it would be their *pleasure* to hear the remainder of his argument. "Mr. P.," rejoined the Chief Justice, "we are bound to hear you, and shall do so on Friday, but *pleasure* has long been out of the question."

Lord Ellenborough was once strangely posed by a witness, a labouring bricklayer, who came to be sworn. "Really, witness," said the Lord Chief-Justice, "when you have to appear before this Court, it is your bounden duty to be more clean and decent in your appearance." "Upon my life," said the witness, "if your lordship come to that, I'm every bit as well dressed as your lordship." "How do you mean, sir?" said his lordship, angrily. "Why, faith," said the labourer, "you come here in your working-clothes, and I'm come in mine."

When Lord Ellenborough was Attorney-General, he was one day listening with some impatience to the judgment of a learned judge, afterwards his colleague, who said, "In—V.—, I rule that," &c. "You rule!" said the Attorney-General, in a tone of suppressed indignation, but loud enough to be heard by many of the bar,—"You rule! you were never fit for anything but a copy book!"

A witness dressed in a fantas-

tical manner, having given very rambling and discreditable evidence, was asked in cross-examination, "What he was?"—*Witness*: I employ myself as a surgeon.—*Lord Ellenborough, C.J.*: *But does any one also employ you as a surgeon?"*

At the coming in of the "Talents," in 1806, Erskine himself pressed the Great Seal upon Ellenborough, saying, that "he would add to the splendour of his reputation as Lord Chancellor." Ellenborough, knowing that on his own refusal Erskine was to be the man, exclaimed, "How can you ask me to accept the office of Lord Chancellor, when I know as little of its duties as you do?"

Lord Ellenborough's manner was very peculiar, and was so closely imitated by Charles Mathews, the elder, in the character of Flexible, in the farce of *Love, Law, and Physic*, that soon after the production of that piece, Mathews received a hint from the Lord Chamberlain's office to desist from so telling a piece of mimicry.

Henry Hunt, the famous demagogue, having been brought up to receive sentence upon a conviction for holding a seditious meeting, began his address in mitigation of punishment, by complaining of certain persons who had accused him of, "stirring up the people by *dangerous eloquence*." *Lord Ellenborough, C.J.* (in a very mild tone)—"My impartiality as a judge calls upon me to say, sir, that in accusing you of that they do you great injustice."

Then his lordship's well-remembered reply to William Hone's "My Lord, I protest, my Lord, I protest," was, "Protest, and go about your business." In one of his trials, Hone boldly asserted that there was not a single counsel who would venture to support his own convictions against the opinions of a presiding judge.

It was not unfrequently a very useful lesson and a very fine display of powers to witness the manner in which Lord Ellenborough drove directly onward to the just end of a cause, *like a mighty elephant in a forest*, trampling down the low brushwood under his feet, and tearing away all the minor branches that obstructed his impetuous progress.

INTERRUPTIONS.

LORD Ellenborough once presided on a trial of a horse cause, in which a certain privy councillor was party. During the trial, the right honourable baronet took his seat on the bench, and ventured, in the course of the trial, to whisper an observation to the Chief Justice. "If you address me again, sir," exclaimed Lord Ellenborough, "I shall commit you to the custody of the Marshal." On one occasion a storm had driven a party of the Westminster Volunteers to take refuge in the hall. Hearing the clatter of the musketry, Lord Ellenborough called out, "Usher, what noise is that?" "Oh, my *lud*," said the usher, "it's only the Volunteers *exorcising*, my *lud*!" "*Exorcising*! are they;

we will see who is best at that. Well, sir, tell the Volunteers, if they do not depart instantly, I shall commit them to the custody of the tipstaff.

He used to be greatly annoyed during the season of colds with the noise of coughing in court. On one occasion, when the annoyances of this kind recurred with more than usual frequency, he was seen fidgeting about in his seat; and, availing himself of a slight cessation, observed, in his usual emphatic manner, "Some slight interruption one *might* tolerate, but there seems to be an *industry* of coughing!"

LORD ELLENBOROUGH'S POWERS OF RIDICULE.

"HE had no mean power of ridicule as playful as a mind more strong than refined could make it; while of sarcasm he was an eminent professor, but of the kind which hacks, and tears, and flays its victims, rather than destroys by cutting keenly. His interrogative exclamation in Lord Melville's case, when the party's signorance of having taken accommodation out of the public fund was alleged—indeed, was proved—may be remembered as very picturesque, though, perhaps more pungent than dignified. 'Not know money? Did he see it when it glittered? Did he hear it when it chinked?' On the Bench, he had the very well-known, though not very eloquent, Henry Hunt before him, who, in mitigation of some expected sentence, spoke of some one who 'complained of his dangerous

eloquence.' 'They do you great injustice, sir,' said the considerate and merciful Chief Justice, kindly wanting to relieve him from all anxiety on this charge. After he had been listening to two conveyancers for a whole day of a long and most technical argument, in silence, and with a wholesome fear of lengthening it by any interruption whatever, one of them, in reply to a remark from another judge, said: 'If it is the pleasure of your Lordship that I should go into that matter.' 'We, sir,' said the Chief Justice, 'have no pleasure in it any way.' When a favourite special pleader was making an excursion, somewhat unexpected by his hearers, as unwonted in him, into a pathetic topic, he remarked,—'An't we, sir, rather getting into the high sentimental latitudes now?'—*Lord Brougham.*

LORD TENTERDEN.

It has been remarked that the reproof of Chief Justice Tenterden sometimes flavoured more of the authority of the pedagogue than the dignity of the judge. In his manner, even in private life, something of the precise and formal habits of the pedagogue might be detected. One day, while entertaining the barristers of his circuit at his table, he asked a magistrate who was present, if he would take some venison. "Thank you, my lord," was the reply, "I am going to take some boiled chicken." "That, sir," testily answered the Chief Justice, "is no answer to my question. I ask you again,

if you will take some venison, and I will trouble you to say 'yes,' or 'no,' without further prevarication!" Lord Tenterden had much good humour, but no dignity; and if he never, like some on the bench, committed himself in a *fracas* with counsel, it was because his own natural kindness precluded such a thing—considerations of his high place certainly never checked him. When Hone was tried before him for blasphemy, Lord Tenterden treated him with great forbearance; but Hone, not contented with the indulgence, took to vilifying the judge. "Even in a Turkish court I should not have met with the treatment I done here," he exclaimed. "Certainly," replied Lord Tenterden; "the bowstring would have been round your neck an hour ago."

Of the few defects of Lord Tenterden, the greatest was his different measure of patience and courtesy for different classes—even for different individuals. It could not be said of him that he was no respecter of persons; though his conduct in this matter was confined to mere accident of outward behaviour and manners—nothing beyond that. When on one occasion he had, with some roughness, addressed to a witness, who was looking another way, an advice not unusual with him, and not very delicately concluded, "to hold up his head, and speak out like a man," it was amusing to observe the fall of both countenance and voice when the witness turned upon the judge the face of the

chairman of the Honourable East India Company!

When Macready, the tragedian, paid a visit to Canterbury Cathedral, his attention was directed to the beauties of the edifice and its tradition. "It was," (he says) "opposite the western front that the guide stood with me before what seemed the site of a small shed or stall, then unoccupied, and said, 'Upon this spot a little barber's shop used to stand. The last time Lord Tenterden came down here he brought his son Charles with him, and it was my duty, of course, to attend them over the cathedral. When we came to this side of it he led his son up to this very spot, and said to him, Charles, you see this little shop; I have brought you here on purpose to show it to you. In that shop your grandfather used to shave for a penny! That is the proudest reflection of my life! While you live never forget that, my dear Charles.' And this man, the son of a poor barber, was the Lord Chief Justice of England. For the very reason, therefore, that the chances of such great success are rare, we should surely spare no pains in improving the condition of all whom accident may depress or fortune may not befriend."

The last speech delivered by Lord Tenterden was upon the Reform Bill of 1831-2, when he concluded with his well-known vow: "Never, never, my Lords, shall I enter the doors of this House after it has become the phantom of its departed greatness."

LORD ELDON AND THE WELLINGTON MINISTRY.

A STRANGE scene took place on the forming of the Duke's Administration, early in 1828. The day after his Grace received the King's commands, he wrote to Lord Eldon, declaring his intention of calling on him the next day. By Lord Eldon's account the meeting was an awkward one; the ex-chancellor evidently expecting the offer of some post in the Administration, though too old to resume his scat on the woolsack. "From the moment of his quitting me," writes Lord Eldon, "to the appearance in the papers of all the appointments, I never saw his Grace. I had no communication with him, either personally, by note, letter, by message through any other person, or in any manner whatever, and for the whole fortnight I heard no more of the matter than you did,—some of my colleagues in office—(and much obliged to me too)—passing my door constantly, on their way to Apsley House, without calling upon me. In the meantime rumour was abroad that I had refused all office." However, it being somehow communicated that Lord Eldon was much hurt at this sort of treatment, brought the Duke to him again, and the object of his visit seemed to be to account for all this. "He stated in substance," says Lord Eldon, "that he had found it impracticable to make any such administration as he was sure I should be satisfied with, and

therefore, he thought he should only be giving me unnecessary trouble in coming near me—or to that effect.” Then came out the old politician’s soreness about not having been offered the office of President of the Council, and about being considered impracticable, which he was sure nobody had any reason to suppose; and about being neglected for a whole fortnight! The Duke gave as a justification for having concluded that Lord Eldon would not have approved the composition of the Ministry, that he seemed as if he did not like it, now the whole Ministry was complete, to which Lord Eldon emphatically replied, that he thought it a d——d bad one. “We conversed together,” he continued, “however, till it seemed to me we both became a good deal affected.”—*Twiss’ Life of Lord Eldon.*

LORD ELDON AND JOSEPH HUME.

ON the presentation of the report of the commission of inquiry into the Court of Chancery, on a petition being presented to the House of Commons from a person very properly committed for a contempt of the Court of Chancery, Mr. Joseph Hume, sometimes more zealous than discreet, created a strong feeling in favour of the Chancellor, by declaring that “the greatest curse which fell on any nation was to have such a Chancellor and such a Court of Chancery.” The Chancellor, rather pleased with this attack, treated it thus merrily in a letter to Lord Encombe:—

“You see Mr. Hume called your grandfather *a curse to the country*. He dignified also the quietest, meekest man in the country, with the title of a *firebrand*, i.e., the Bishop of London. I met the Bishop at the Exhibition, and as it happened to be an uncommonly cold day, in this most unusually cold weather, I told him that *the curse of the country* was so very cold that I hoped he would allow him to keep himself warm by sitting next to the *firebrand*; and so we laughed, and amused ourselves with this fellow’s impertinence.”*—*Lord Campbell.*

When Lord Eldon was Chief Justice of the Common Pleas, he was travelling the Western Circuit at the time George III. was at Weymouth. The King sent to him at Dorchester, and desired him to come over to see a celebrated actor at that time at Weymouth. The judge came over, and, during his stay joined the royal party in a boating excursion. They landed at some part of the coast to see a ruin, and while they were wandering about, the boat’s crew invaded a neighbouring orchard, and helped themselves liberally to the apples. The owner and the royal party returned at the same time, and Lord Eldon was loudly threatened by the farmer with being taken up along with his party and carried before the judges next day for felony! The anniversary of Lord Eldon’s

* Many years ago there was published by Tilt, of Fleet Street, “Anecdotes of Impudence, with a portrait of Joseph Hume.”

natal day was the same as that of his affectionate master. "Do not congratulate me," the King would say to his Chancellor, "till I have paid my respects to you on this happy day."

Lord Eldon was exceedingly humorous, and was fond of enlivening the tedium of a cause with what charitably disposed people, who do not aspire to the reputation of critics, might call *wit*. The following case has been often in print, but we have still thought it right to give it a place in our pages, as to some of our readers it may perhaps be new:—A plaintiff, Metcalfe, had a patent for hair-brushes of a particular sort, and the defendant Thompson was selling without licence brushes of the same sort. No counsel at first appeared for the defendant. The Lord Chancellor said—"This injunction must be *brushed off*, unless some counsel be here soon to support it." When counsel came in, Sir Samuel Romilly, who opposed the patentee, produced an old brush which had been used by a wig-maker for above thirty years, and which was the same in principle as the patent brush.

"Mr. Solicitor-General," Lord Eldon once said, "may remember a case in which he was concerned before me, where the gentlemen on both sides went into a lengthened discussion, communicated most detailed information, and had actually brought the case to a very extreme stage, and yet had never made the slightest mention of an act of parliament most vitally

affecting the ultimate decision of the question: nor would it ever have been mentioned, had I not been so fortunate as to know it." This distinguished Chancellor often asserted that his mind was always most affected by the cases which were *not* cited, and the points which counsel did *not* press.

LORD ELDON'S LAW MAXIM.

WE quote the following from Mr. Horace Twiss' very interesting "Life of Lord Chancellor Eldon":—

"I have seen it remarked," says Lord Eldon, in his Anecdote Book, "that something which in early youth captivates attention, influences future life in all its stages. When I left school, in 1766, to go to Oxford, I came up from Newcastle to London in a coach, then denominated, on account of its quick travelling, as travelling was then estimated, a fly; being, as well as I remember, nevertheless, three or four days and nights on the road. There was no such velocity as to endanger overturning or other mischief. On the panels of the carriage were painted the words, '*Sat cito, si sat bene*,'—words which made a lasting impression on my mind, and have had their influence upon my conduct in all subsequent life. Their effect was heightened by circumstances during and immediately after the journey. Upon the journey, a quaker, who was a fellow traveller, stopped the coach at the inn at Tuxford, desired the chambermaid to come

to the coachdoor, and gave her a sixpence, telling her that he forgot to give it her when he slept there two years before. I was a very saucy boy, and said to him, 'Friend, have you seen the motto on this coach?' 'No.' 'Then look at it: for I think giving her only sixpence *now* is neither *sat cito* nor *sat bene*.' After I got to town, my brother, now Lord Stowell, met me at the White Horse, in Fetter Lane, Holborn, then the great Oxford house, as I was told. He took me to see the play at Drury Lane. Love played Jobson in the farce, and Miss Pope played Nell. When we came out of the house it rained hard. There were then few hackney-coaches and we got both into one sedan-chair. Turning out of Fleet Street into Fetter Lane, there was a sort of contest between our chairmen and some persons who were coming up Fleet Street, whether they should first pass Fleet Street, or we in our chair first get out of Fleet Street into Fetter Lane. In the struggle, the sedan-chair was upset, with us in it. This, thought I, is more than *sat cito*, and certainly it is not *sat bene*. In short, in all that I have had to do in my future life, professional and judicial, I have always felt the effect of this early admonition, on the panels of the vehicle which conveyed me from school—'*Sat cito si sat bene*.' It was the impression of this which made me that deliberative judge—as some have said, too deliberative,—and reflection upon all that is past will not authorise

me to deny that whilst I have been thinking, *sat cito qui sat bene* may not have been sufficiently recollected whether *sat bene si sat cito* had had its due influence."

ELDON AND STOWELL AT COLLEGE.

WHEN John Scott, afterwards Lord Eldon, joined his brother William at Oxford, he was soon after entered as a fellow-commoner; and showed himself so well prepared with a variety of classical and general information that he had not been a year at college before he stood for and won a fellowship open to natives of Northumberland. While an undergraduate, John had a narrow escape of his life. He was skating on Christ Church meadow, and venturing on a portion of it but weakly frozen, fell into a ditch deep enough to allow him to sink to the neck. When he had scrambled out, and was dripping from the collar and oozing from the stockings, a brandy vendor shuffled towards him, and recommended a glass of something warm; upon which Edward Norton, of University College, a son of Lord Grantley, sweeping past, cried out to the retailer, "None of your brandy for that wet young man; he never drinks but when he is *dry*."—*Twiss' Life of Lord Eldon*.

LORD THURLOW AND SIR JOHN SCOTT.

IN 1788 the Solicitor-Generalship was conferred upon Mr. (who thereupon became Sir John

Scott). The story goes that he did not wish to be knighted, but the King said, "Pooh, pooh ! you must be served like the rest," and knighted him. The ceremony had not then become a matter of course, and he really was taken by surprise.

On this occasion Mr. Pitt sent for him, and said, "Sir John Scott, I have a circumstance to mention to you, which, on account of your personal and political connection with Lord Thurlow, I wish you should *first* hear from myself. Lord Thurlow and I have quarrelled, and I have signified to him his Majesty's commands that he should resign the great seal." The answer, after an expression of regret, was, "My resolution is formed. I owe too great obligations to Lord Thurlow to reconcile it to myself to act in political hostility to him, and I have too long and too conscientiously acted in political connection with you, to join any party against you. Nothing is left for me but to resign my office as Solicitor-General, and to make my bow to the House of Commons." All Mr. Pitt could do was to persuade him to delay acting on this resolution till he had consulted Lord Thurlow. The Chancellor, after hearing what had passed, said, "Scott, if there be anything which could make me regret what has taken place, (and I do not repent it,) it would be that you should do so foolish a thing." He added, "I did not think the King would have parted with me so easily. *As to that other man*, he has done to

me just what I would have done to him, if I could. It is very possible that Mr. Pitt, from party motives, at this moment may overlook your pretensions ; but sooner or later you *must* hold the Great Seal. I know no man but yourself qualified for its duties."

HOW JEKYLL WAS MADE MASTER IN CHANCERY.

MR. PETER CUNNINGHAM, in his "Handbook of London," relates :—"Lord Chancellor Eldon lived at No. 6, Bedford Square, from 1804 to 1815, and here occurred the memorable interview between his lordship and the Prince Regent, afterwards George IV. The Prince came alone to the Chancellor's house, and, upon the servant opening the door, observed, that, as his lordship had the gout, he knew he must be at home, and therefore desired that he might be shown up to the room where the Chancellor was. The servant said he was too ill to be seen, and that he had also positive orders to show in no one. The Prince then asked to be shown the staircase, which he immediately ascended, and pointing first to one door, then to another, asking, 'Is that your master's room?' The servant answered 'No,' until he came to the right one ; upon which he opened the door, seated himself by the Chancellor's bedside, and asked him to appoint his friend Jekyll, the great wit, to the vacant office of Master in Chancery. The Chancellor refused—there could be no more unfit appointment.

The Prince, perceiving the humour of the Chancellor, and that he was firm in his determination not to appoint him, threw himself back in the chair and exclaimed, "How I do pity Lady Eldon!" "Good heaven!" said the Chancellor, "what is the matter?" "Oh, nothing," answered the Prince, "except that she will never see you again, for here I remain until you promise to make Jekyll a Master in Chancery." Jekyll, of course obtained the appointment."

SMALL GAINS.

DURING the trials of Hardy, Horne Took, and Thelwall, in 1794, in concluding his speech against Horne Tooke, the Attorney-General (Scott) fell into the habitual error of justifying his conscience: "It is the little inheritance I have to leave to my children, and by God's help, I will leave it unimpaired." Here he shed tears; and to the astonishment of the Court, the Solicitor-General (Mitford) began to weep in court. "Just look at Mitford," said a bystander to Horne Tooke, "what on earth is he crying for?" "He is crying to think of the *little* inheritance Scott's children are likely to get."

LORD ELDON'S GOOD HUMOUR.

HIS manner to the bar was bland and agreeable. "I admit freely and cordially," said Mr. Brougham, "that of all the judges before whom I have practised—and I have practised much—he is out of all comparison,

and beyond all doubt, by much the most agreeable to the practitioners, by the amenity of his manners, and the intuitive quickness of his mind. A more kindly disposed judge to all the professional men who practise in his court never, perhaps, existed." His wit and good humour made him popular amongst the bar. When a young counsel moved for an injunction against digging up pasture-land, and sowing it with wheat, or any other *pernicious crop*, Lord Eldon replied—"You may take your injunction, but in the north we are not in the habit of calling wheat a *pernicious crop*." "Your lordship," once said Sir C. Wetherell, "cannot be supposed to be a great strategist; it is no disparagement to say that you have not the army list by heart."—"No, Sir Charles," replied the Chancellor smiling, "I know nothing of military matters—all my acquaintance is with the Lincoln's-Inn Volunteers." Sir James Graham, the solicitor, was at one time engaged in a great many private and other bills, and was frequently intrusted with the office of carrying them up from the Lower to the Upper House. One evening Sir James came up to the bar no less than twelve times, with twelve separate bills. Twelve times was the Chancellor compelled to come down to the bar, purse in hand, to receive the bills. On the twelfth time Lord Eldon said to the solicitor—"What, have you got another? When I used to know you first you used to be called *Fem*

Graham; but now we'll call you *Bill Graham*!" He would suffer, however, no undue familiarity. On one occasion he delivered judgment in a cause which had been on the paper so long that its history had been wholly forgotten. When he had concluded, Mr. Heald said, "I know I was in this case, but whether judgment is for me or against me I have not at this distance of time the most distant conception." "I have a glimmering notion that it is for me," said Mr. Horne. Lord Eldon checked the conversation, by desiring, in a grave tone, that counsel would not make him the subject of their observations. It is said that Lord Eldon behaved towards solicitors in his private room almost as though they were his equals. "You never gave me a brief," he said once to one of them, "How was that?" "Yes, but I did," replied the solicitor, more curtly than courteously. "Nay, nay, but I am satisfied of the contrary, and I *must* be the best judge on such a point." He then proceeded to express a conviction hostile to the solicitor's case, who rudely exclaimed, "Your lordship is decidedly wrong. I'll have the decision reversed in the Lords." "Perhaps, Mr.—," said the Chancellor rising, "you had better take this chair and pronounce judgment yourself."

His patience and industry were indomitable. On the Berkeley Peerage case he sat for thirty-four days—on the Roxburgh Peerage case, thirty-six days—and in the case of Thomas

Nias, a bankrupt, he sat for the greater part of two days, with the utmost patience, while the bankrupt, who appeared in person, which of course protracted and complicated the proceeding, went through the minutest details.

C—— told Haydon (the painter) the whole story of his committal. He ran away with a ward in Chancery. Lord Eldon said, "It was a shame men of low family should thus entrap ladies of birth." "My lord," said C——, "my family are ancient, and were neither coalheavers nor coalheavers' nephews," in allusion to Lord Eldon's origin,—for which Eldon committed him. Every apology was offered, but Eldon never forgave it. On Lord Brougham's accession C—— petitioned, and by a special order was discharged.

George III. was one day standing between Lord Eldon and the Archbishop of Canterbury, Dr. Sutton. After a moment's pause in the conversation the king said gravely, "I am now in a position which probably no European king ever occupied before." Lord Eldon begged his Majesty to explain himself. "I am standing," said the king in the same grave tone, "between the head of the Church, and the head of the Law in my kingdom—men who ought to be patterns of morality, but who have both been guilty of the greatest immorality." The two lords—Reverend and Learned—looked shocked and astonished. Lord Eldon re-

spectfully begged to know to what his Majesty alluded. "Why, my lords," exclaimed the king, in a tone of banter—"Tell me, did you not both run away with your wives?"

SIR JAMES MACKINTOSH
AT BOMBAY.

DURING Sir James Mackintosh's Recordership of Bombay, a singular incident occurred. Two Dutchmen having sued for debt two English officers, Lieuts. Macguire and Cauty, these officers resolved to waylay and assault them. This was rather a resolve made in a drunken excitement, than a deliberate purpose. Fortunately, the Dutchmen pursued a different route from that which they had intended, and they prosecuted the two officers for the offence of lying in wait with intent to murder: they were found guilty and brought up for judgment. Previous to his pronouncing judgment, however, Sir James received an intimation that the prisoners had conceived the project of shooting him as he sat on the bench, and that one of them had for that purpose a loaded pistol in his writing desk. It is remarkable that the intimation did not induce him to take some precautions to prevent its execution—at any rate, not to expose himself needlessly to assassination. On the contrary, the circumstances only suggested the following remarks:—"I have been credibly informed that you entertained the desperate project of destroying your own lives at that bar, after having previously

destroyed the judge who now addresses you. If that murderous project had been executed I should have been the first British judge who ever stained with his blood the seat of justice. But I can never die better than in the discharge of my duty." All this eloquence might have been spared: Macguire submitted to the judge's inspection of his writing desk, and showed him that, though it contained two pistols, neither of them was charged. It is supposed to have been a hoax—a highly mischievous one, indeed; but the statement was *prima facie* so improbable that it was absurd to give it the slightest credit.

ACCOMMODATING INADVERTENCE.

SIR JAMES MACKINTOSH had a very Parson-Adams-like forgetfulness of common things and lesser properties, which was very amusing. On his arrival at Bombay, there being no house ready for his reception, the Governor offered his garden-house for the temporary accommodation of Sir James and his family who were so comfortable in their quarters that they forgot to quit, month after month, till a year had elapsed, when the Governor took forcible possession of his own property. Again, Sir James and his lady, on requesting to inspect the seat of the late Lord Melville, in Perthshire, were invited to stay two or three days, which were protracted to as many months, till every species of hint was thrown away upon them.

BIRTHPLACE OF LORD BROUGHAM.

It is well known that Henry Brougham was born in Edinburgh, but as various doubts have from time to time been thrown on the place and the date of his birth, and on the name by which he was baptised, we may as well place before our readers, in Mr. Robert Chambers's words, the history of the connection of the family of Brougham with the northern metropolis. He writes :—

"The Edinburgh tradition on the subject is that Henry Brougham, the younger, of Brougham Hall, in the county of Cumberland, in consequence of a disappointment in love, came to Edinburgh for the diversion of his mind. Principal Robertson, to whom he bore a letter of introduction, recommended the young man to the care of his sister,—Mrs. Syme, the widow of the minister of Alloa, who occupied what was then considered a good and spacious house at the head of the Cowgate, strictly speaking the third floor of the house now marked as No. 8—a house desirable from its having an extraordinary space in front. Here it would appear that Mr. Brougham speedily consoled himself for his former disappointment by falling in love with Eleanora, the daughter of Mrs. Syme, and a marriage, probably a hurried one, soon united the young pair. They set up for themselves at Whitsuntide, 1778, in an upper floor of a house in

the then newly-built St. Andrew's Square, where, in the ensuing September, their eldest son, charged with so illustrious a destiny, first saw the light ; the house is now marked No. 21, and its back windows command a fine view of the Firth of Forth and the Fife hills. The register of the child's birth in the formal entry stands as follows :—
"Wednesday, 30th of September, 1788—Henry Brougham, sen., parish of St. Gilles (sic) and Eleanora Syme, his spouse, a son, born the 19th current, named Henry Peter. Witnesses—Mr. Archibald Hope, Royal Bank, and Principal Robertson."

Mr. Chambers adds that eventually Mr. Brougham settled permanently in Edinburgh, occupying a handsome house in George Street. The merits of this illustrious reformer of public education were thus ably characterised at a meeting on Middle Class Education, in June, 1861, by Mr. Beresford Hope, M.P., in proposing a vote of thanks to Lord Brougham for his presidency, as follows :—

Mr. Beresford Hope said "the duty devolved upon him of proposing a resolution which, though often of a formal character, would in the present instance but feebly express the real sentiments of that assembly. The chair was occupied that day by one with whose fame not England, not Europe merely, but the whole world rang, one of the great illustrations of the grand old time, who, forgetting his own ease, or the numerous calls upon

his leisure, came to that meeting to forward the gallant exertions of a single country clergyman. Their president was the jurisconsult and statesman, not of this or the last reign, but of the century, whose time had been passed in solving great constitutional problems, who, as an advocate, had stood not at the bar of a common court, but had been charged with the supreme difficulty and the supreme labour of pleading great causes where Sovereigns were on their trial; and where the facts tied up in his brief might have shaken thrones. They saw before them the man who carried the great seal at the time when the Constitution of England was passing through its crisis, and who yet, with all these cares upon him, was distinguished even more than for his legal or political successes by that burning love—that lover's longing for the education of the people which it was the great object of his heart to carry out, and who,—always in season—though as people then thought, out of season—pleaded the cause which had not only triumphed, but with a fresh success of which they were that day able to crown him. Formerly, two parties which fancied themselves antagonistic fought bitterly over this question of education. Each saw in the other the enemy of itself. But time had cleared away those jealousies, time had joined together those two shades of opinion in lasting and eternal concord, and that day a gathering under the highest names in

Church and State was met, not to enforce any class privilege, not to demand an exclusive boon, but to promote the cheap education of the million. Must it not be gratifying to the noble lord to reap so solid, so bright, so golden a harvest from the seed sown in former years."

LORD BROUGHAM'S CHANCELLORSHIP PREDICTED.

IT may take the reader by surprise to be told that, astounding as the career of Lord Brougham has been, the rise of this distinguished man to the highest honour of the realm appears to have been predicted thirty years before its attainment. At the Social Science dinner at the Crystal Palace, Sydenham, on June 14, 1862, at which Lord Brougham presided, Mr. J. W. Napier, ex-Chancellor of Ireland, related that he remembered, some years previously, meeting an old and respected lady in the north of England, who was present at a party when the first writers in the *Edinburgh Review*, including Henry Brougham, dined together at Edinburgh, after the publication of the Second Number of the *Review* (in 1802). On that occasion, the lady's husband, Mr. Fletcher, remarked that the writer of a certain paper in the *Review*, of which he knew not the author, was fit to be anything. Mr. Brougham hearing this, observed, "What! do you think he is fit to be Lord Chancellor?" The reply was, "Yes; and I tell you more: he will be

Lord Chancellor;" and the old lady had the happiness to live thirty years after this, and to see her friend Lord Chancellor of England. Lord Brougham well remembered old Mrs. Fletcher, and corroborated the accuracy of Mr. Napier's anecdote. Mr. Napier then proposed, in an affectionate manner, the health of Lord Brougham, whose answer was, as he said, but a repetition of words he had spoken thirty years ago elsewhere. But on the present occasion they were perhaps even more appropriate, and in themselves singularly beautiful.

The place of Chief Baron of the Exchequer is said to have been offered to Mr. Brougham, who refused it on the ground that it would prevent his sitting in Parliament. "True," was the reply, "but you will then be only *one stage* from the woolsack." "Yes," returned Brougham, "*but the horses will be off.*"

Some men's greatness comes unexpectedly on them. It was so with Mr. Brougham, when he was appointed Lord Chancellor. Two days before he was in possession of the Great Seal he had not the remotest idea of being raised to the dignity of Lord Chancellor. Eight days before his elevation, he mentioned in the House of Commons, that the circumstance of the dissolution of the Wellington Government, which had then taken place, would not induce him to postpone the motion of which he had given notice on Negro Slavery more than a few days; adding, that his position could not pos-

sibly be affected by any new Administration which might be formed.

The phrase *fourth Estate* was first used in the House of Commons in 1823 or 1824; it attracted attention, and was, at that time, treated as original.

Lord Brougham had a great horror of hearing the almost interminable speeches which some of the junior counsel were in the habit of making, after he conceived everything had been said which could be said on the real merits of the case before the court by the gentlemen who preceded them. His hints to them to be brief on such occasions were sometimes extremely happy. Once, after listening with the greatest attention to the speeches of two counsel on one side, from ten o'clock until half-past two, a third rose to address the court on the same side. His lordship was quite unprepared for this additional infliction, and exclaimed, "What! Mr. A—, are you really going to speak on the same side?"

"Yes, my lord, I mean to trespass on your lordship's attention for a short time."

"Then," said his lordship, looking the orator significantly in the face, and giving a sudden twitch of his nose—"then Mr. A—, you had better cut your speech as short as possible, otherwise you must not be surprised if you see me dozing; for really this is more than human nature can endure."

The young barrister took the hint: he kept closely to the point

at issue—a thing not always done by barristers—and condensed his arguments into a reasonable compass.

The late Lord Brougham died without any assets. The explanation is that, long before his death, he had by deed of gift made over everything—ex-Chancellor's pension, house and lands, books, plate, furniture—to his brother William, the present peer, who in return provided for all expenses. Aversion to trouble about money matters is said to have suggested this arrangement. The Inland Revenue authorities, at first incredulous, satisfied themselves by private inquiry as to the *bond fides* and validity of the deed of gift. But it is a curious fact that an ex-Lord Chancellor, who for upwards of thirty years received a pension of 5000*l.* a year, died without paying a shilling of probate or legacy duty.

LORD BROUGHAM ON BREWING.

SHORTLY after his Lordship's appointment to the office of Lord High Chancellor, he visited, along with some other Ministers of the Cabinet of Earl Grey, one of the most extensive breweries in the metropolis, and had there what is colloquially called a "beef-steak dinner." After it was finished, a proposition was made that they should inspect the works; and, in order that the party might understand the use of each and all of them, the foreman, a cautious, but intelligent Scotchman, was desired to at-

tend and explain them. They had scarcely got into the first room, before Lord Brougham, with a slight motion of the hand, put aside his Scotch *cicerone*, who was volunteering an explanation, and said, with his usual cool, good-natured *nonchalance*, "Young man, I will save you the trouble you are about to undertake; I understand all this perfectly well, and will explain it myself to my noble and distinguished friends." His Lordship then proceeded, without further preface, to explain to Earl Grey and other members of this convivial party, every stage in the process of brewing; but, unfortunately, did not explain one of them right, even by accident. The Scotchman, who perceived, but was too prudent to expose, the ignorance of his countryman, was astounded by his unceasing volubility: and, in speaking of it in a mixed company, where the informant was present, observed: "Gude faith, sirs, but it made my hair staun on en to hear the Lord High Chancellor o' Great Britain tellin the Lord High Treasurer a lang tail aboot maut and the brewing o't, and nae word o' truth fra beginnin to en. It made a thinking mon reflect what a terrible pass things must ha come till, when ae Minister could jist tell, and anither Minister jist believe, sic awful cantrips. Eh, sirs! nae barrel can be gude that that blatherin' chiel has gat the brewin o'." —This anecdote is related in the *Life of Sir Thomas Fowell Buxton*.

A COMPARISON.

LORD BROUGHAM now and then relapsed into a Bar recollection. The following is his best, and, as such, is his most frequent story. It is a happy instance of the elucidation of facts in court:—

During the assizes, in a case of assault and battery, where a stone had been thrown by the defendant, the following clear and conclusive evidence was drawn out of a Yorkshireman:—

“Did you see the defendant throw the stone?” “I saw a stone, and I’ze pretty sure the defendant throwed it.”

“Was it a large stone?” “I should say it wur a largeish stone.”

“What was its size?” “I should say a sizeable stone.”

“Can’t you answer definitely how big it was?” “I should say it wur a stone of some bigness?”

“Can’t you give the jury some idea of the stone?” “Why, as near as I recollect, it wur something of a stone.”

“Can’t you compare it to some other object?” “Why, if I wur to compare it, so as to give some notion of the stone, I should say it wur as large as a lump of chalk!”

*RISE OF LORD LYN-
HURST.*

THE holding of the first brief is usually a point of interest in the fortunes of great lawyers. The career of Lord Lyndhurst

had a start of this kind. At Kesteven Sessions, held at Falingham, in 1804, there was an appeal case entered, in which Messrs. Wyche and Torkington, attorneys, of Stamford, were engaged; their opponents had secured the services of Mr. D’Ewes Coke, barrister, who went the Midland Circuit. Mr. Coke had a travelling companion who had that year been called to the Bar, and to whom the Stamford attorneys, not wishing to throw a chance away, gave a brief. The case was argued, and it resulted in Messrs. Wyche and Torkington proving victorious by the aid of the young barrister — John Singleton Copley, who for many years afterwards went the Midland Circuit. Here he obtained such a position that in 1813, he assumed the coif. During the interval of his Chief Baronship in 1826, Lord Lyndhurst developed his high judicial powers, or rather he had fuller opportunities and a longer term for their exercise. It was during this interval that he delivered that great judgment on the colossal case of “*Small v. Atwood*,” which elicited the admiration of the whole legal profession; and which he subsequently vindicated on appeal in the House of Lords, where the scale was turned against him by the vote of Lord Devon. The dimensions of the case may be inferred from the time its repeated argument occupied. For 21 days it was argued in the Court of Exchequer, commencing on 21st of November, 1831; while Lord Lyndhurst

did not deliver his judgment till the 1st November, 1832,—till he had had the opportunity of deliberating on the case for nearly an entire year. The first argument before the Lords lasted sixteen, and the second thirty, days. The mass of papers, printed and written, was so enormous in bulk, that Lord Brougham remarked—he had been furnished with copies of the arguments used in the House of Lords alone amounting to about 10,000 brief-sheets. Through this tangled mass of disputed facts and of representations, the purport of which was in issue, of minute and intricate details of transactions and accounts, Lord Lyndhurst on each occasion proceeded with apparent ease, diffusing light and bringing into order the chaos he encountered. His vast effort has, in fact, become one of the traditional glories of the judicial bench, while the serenity with which he submitted to the reversal of his decrees, when adhering to his original opinion, befitted the altitudes whence such efforts are occasionally expected, and the predominance of pure intellect, from which only they can proceed.—*Times Journal*.

LORD LYNDHURST'S GENEROSITY.

IN or about the year 1834, one of the most violent Radicals of the day addressed a long letter to Lord Lyndhurst, detailing the distressing circumstances in which he was placed

through ill health, and the infirmities of old age, and soliciting charity. His lordship read the letter attentively, and handed it to his secretary, saying, "Make out a cheque on my bank for five pounds for this poor man." The secretary, on looking at the signature, exclaimed, "My lord, are you aware who this man is?" "No," said his lordship; "I do not recollect having before seen the name." "Why, this is the notorious G—— J——, who has been for many years so grossly and virulently abusing your lordship." Lord Lyndhurst stretched out his hand for the letter, looked again at the contents for a few seconds, and then observed to his secretary, "Oh, never mind what he has been in the habit of saying about me; the poor man seems to be in a very distressed condition; get the cheque ready, and send him the money."

A number of years since, when Mr. Cleave, the news-vendor, was tried in the Court of Exchequer on a government information, he conducted his own case, and was treated with much indulgence by Lord Lyndhurst, the judge. Cleave began his defence by observing, that he was afraid he should, before he sat down, give some rather awkward illustrations of the truth of the adage—that "he who acted as his own counsel had a fool for his client." "Ah! Mr. Cleave," said his lordship, with much pleasantry—"ah! Mr. Cleave, don't you mind that adage; it was framed by the lawyers."

RISE OF LORD CHANCELLOR CAMPBELL.

JOHN CAMPBELL, the son of a parish minister in Fifeshire, for many years worked hard as a reporter for the press. When called to the bar, he is allowed to have pushed his way to London business in a manner the most original. In one of his biographies he remarks of Pratt that he "persevered for eight or nine years, but not inviting attorneys to dine with him, and never dancing with their daughters, his practice did not improve." Whether Campbell cultivated for this purpose the arts of dining and dancing we do not know, but he certainly cultivated the acquaintance of the attorneys, and in a way peculiarly his own. Between 1809 and 1816 he published a series of Reports at *Nisi Prius*, extending to four volumes, which are most valuable in themselves, but which were of especial interest to the attorneys who had been engaged in any of the cases recorded, inasmuch as for the first time in the history of such reporting he had at the end of each decision stated the names of those attorneys who had to do with the trials. He soon established a connexion with the leading solicitors, obtained a large practice, and was retained, as a matter of course, in shipping cases, and in nearly every important cause tried before a special jury at the Guildhall sittings. Apart, however, from the popularity of these

volumes among the attorneys, they were held in still wider estimation as the admirably reported decisions of Lord Ellenborough; and Campbell took credit to himself for having in some degree created the reputation of that lawyer. "When I was a *Nisi Prius* reporter," he said, "I had a drawer marked 'Bad Law,' into which I threw all the cases which seemed to me improperly ruled. I was flattered to hear Sir James Mansfield, C.J., say, 'Whoever reads Campbell's Reports must be astonished to find how uniformly Lord Ellenborough's decisions were right.' My rejected cases, which I had kept as a curiosity—not maliciously—were all burnt in the great fire in the Temple when I was Attorney-General."

DOWN TO THE LEVEL.

A REMARKABLY acute friend of Lord Campbell, formerly at the bar, relates that the judges having retired for a few minutes in the midst of his argument, in which, from their interruptions and objections, he did not seem likely to be successful—went out of court, too, and on his return said that he had been drinking a pot of porter. Being asked if he was not afraid this beverage would dull his intellect, "That is exactly my object," said he, "to bring me down, if possible, to the level of their lordships."

L'Estrange, more than a century previously, had given this version of the same point. One asked Sir John Milnesent how he

did so conform himself to the grave justices, his brothers, when they met. "Why, in faith," said he, "I have no way but to drink myself down to the capacity of the bench."

*SIR CHARLES WETHERELL.
—A PORTRAIT.*

SIR CHARLES WETHERELL was a tall man, with a considerable stoop, and a swing in his gait—his face was intelligent and rather remarkable; the forehead expansive, the eyes not large, but expressive of humour; the nose straight and rather short, or appearing so from the unusual length of the upper lip and chin; his voice was good but not musical, and his manner was sometimes calm and impressive; but, for the greatest part, his efforts, even upon the most important occasions, were attended by a whimsicality, which was the most distinguished feature of his manner as an advocate.

His oratory was a most curious combination of really serious and sound argument with out-of-the-way irrelevancy, or what seemed irrelevant, until he, by some odd application, which no one under heaven but himself could have thought of, contrived to connect it with his argument. His violent excitement about matters of dry equity was of itself sufficient to give a character of extreme singularity to his pleading in the Court of Chancery; but when we add to this his unusual gesticulation—his frequent use of uncommon and

antiquated words—his bits of Latin so oddly and familiarly introduced, and his circumlocution, where the use of an ordinary phrase would express his meaning, we find they all combine to make his character for eccentricity as a chancery barrister.

When he went forth into the street, he was even more strange than in court. He wore clothes that seemed to have been suddenly "grabbed" from some shop-window in Monmouth Street, without any consideration as to the fit. He scorned the appendages of suspenders, and only sometimes wore a waistcoat long enough to meet the other garment, which, for lack of the appendages aforesaid, were wont to sink below the ordinary level. His inside coat was old, his outside one of great antiquity, and commonly flew behind him in the breeze, while he strode along, muttering to himself, with his hands lodged deep in the recesses of his breeches pockets; his cravat seemed as if it had not been folded, but rolled up, and tied on in the dark, by hands not of the cleanest; he wore huge shoes, tied with great black tapes, or what would have been black, except that, like his hat, the vicissitudes of time had turned them to a hue of brown. In this costume, he moved along, cheery and pleasant, nodding to many, talking to some, and recognised by others, who said, "There goes honest Charley Wetherell."

Many stories are told of the

strange way in which he lived in chambers, when it was not his custom to come to court. They say he had a bit of looking-glass fixed into the wall, which answered all the purposes of his toilet; and sometimes, when a person came in after he had commenced shaving, he would quite forget to complete it, and perhaps be found in the evening with a *crust* of lather upon his face, which had remained from the morning without his being conscious of it. In an early volume of *John Bull* will be found the whole art of slashing exemplified with extraordinary wit and unparalleled impudence by Theodore Hook. This is what he says of Sir Charles Wetherell:—

“ With a head
Dull as lead,
Roaring lungs of leather all;
And a shape
Like an ape,
Enter Charley Wetherall.
* * * * *
When an ass
In search of grass
Hath run out his tether all,
And cannot get
A morsel yet
He’s just the type of Wetherall.”

TRIALS FOR WITCHCRAFT.

So much, already, has been written upon these documents that it is unnecessary to refer in detail to the evidence they furnish, the substance of which it is impossible to mistake. The English supernaturalism of the fifteenth century, as of the sixteenth and the seventeenth, was the vulgar supernaturalism of a people, unimagined and illiterate, and when forced into prac-

tical life, was characterised by the cruel and *commonplace inhumanity* which marks the habitual influence on the heart of a sordid and ungraceful ignorance.

Nothing, for instance, can be conceived more painfully prosaic than the evidence commonly tendered upon these occasions; from beginning to end of the history of witchcraft, scarcely a single imaginative narrative occurs. This may, perhaps, be attributed to the fact that the witches were selected, with some well-known exceptions, from the very dregs of the population; old, purblind, half-witted women, utterly ignorant of the world and of everything that did not relate to their own unhappy ‘caste,’ being the usual victims. The motives and temptations are invariably of the meanest and most literal kind. “Being demanded,” is the deposition of Temperance Lloyd, “who and what the said gentleman was who appeared unto her in black, the said examinant answered and said that it was the devil; and confessed, that the devil did ask of her whether she was a poor woman? unto whom she answered that she was a poor woman, and that thereupon the devil, in the shape of a gentleman, did say unto her that if this examinant would grant him one request, that she should neither want for meat, drink, nor clothes; whereupon this examinant did say unto the said gentleman (or rather the devil), In the name of God what is it that I shall have. Upon which

the said gentleman vanished clean away from her."

On the scaffold the examination is resumed in this facetious way—

Mr. Sheriff.—In what shape or colour was the devil?

Temperance.—In black, like a bullock.

Sheriff.—Did you never see the devil but this time?

Temperance.—Aye, once before; I was gathering sticks, and he came to me and said—This poor woman has a great burthen, and would help to ease me of it; and I said, The Lord has enabled me to carry it so far and I hope I shall be able to carry it further.

Sheriff.—Did the devil never promise you anything?

Temperance.—No, never.

Sheriff.—Then you served a very bad master, who gave you nothing.

"*And so,*" concludes the old reporter, utterly unconscious of the tragic hopelessness of the whole affair,—"*and so was executed.*"—*Proceedings against the Devon Witches.* Howell's *State Trials*, vol. iii.

THE ANCIENT PRISON OF LUDGATE.

As early as 1218, Ludgate was a common gaol for felons, taken in London City; and so lately as 1457, Newgate, and not the Tower, was the prison for the nobility and great officers of State. In 1252, one John Offrem, committed to this prison for having killed a prior, escaped, which so displeased

King Henry III. with the City, that the sheriffs were sent to the Tower, and there remained a month. In 1431, in consequence of a false complaint made by the keeper of Newgate, eighteen freemen were taken to the compters, and chained as if they had been felons.

This ancient City gate was made a prison in 1373, for poor debtors who were free of the City, who, however, had to pay lodgings, chamber-rent, and for water since "Forster's provisions were" neglected. When the gate was taken down, the prisoners were removed to the London Workhouse, in Bishopsgate Street.

The prison had some curious regulations. To preserve order the master, keeper, and prisoners chose from among themselves a reader of divine service; an upper steward, called the master of the box; an under steward, and seven assistants by turns daily; a running assistant, two churchwardens, a scavenger, a chamberlain, a running post; and the criers or beggars at the gate (such as we remember at the Fleet), who were generally six in number. The reader, besides attending to prayers, had to ring the bell twice a day, and for a quarter of an hour before nine at night, to warn strangers to depart the prison: besides his salary and fees, he had a dish of meat out of the Lord Mayor's basket. The master of the box, with the under steward, assistants, and churchwardens were elected monthly by the prisoners; and

the election of other officers was conducted in the most orderly manner. The officiating assistant could commit a prisoner to the stocks, or shackles, for abusing any person, and he had to see the cellar cleared out at ten o'clock; he had also to set up candles, look after the dock, &c. The churchwardens had to call to prayers, after the bell had done ringing. The scavenger had to keep the prison clean, to fetter offenders, and put them in the stocks. The chamberlain took care of all the prison bedding and linen, and appointed lodgings for new comers, and gave notice to strangers to leave at ten o'clock. The running post had to fetch in a basket the broken meat from the Lord Mayor's table, provisions from the clerk of the market, from private families, and the charities given in the streets. Two of the criers begged daily at the gates; he at Ludgate Street was allowed a fourth of what was given, and he on the Blackfriars' side one half. Notwithstanding this complex machinery corruption crept in: the keeper and turnkey of the prison claimed fees without either right or reason. The prisoners had to pay 8*d.* a month for clean sheets, and not above two were to lie in a bed; for a couch, 1*d.* a week; for chamber-room, &c., 1*d.* a week for lamps and candles. A freeman of the City, on being arrested for debt, could insist upon being carried to the Ludgate prison; bailiff's fees, 4*s.* or 5*s.*, due 2*d.* If new comers could not pay the de-

mands, the clothes of the poor prisoner were privately taken from him, and not returned until the money was paid. He was, however, allowed to go abroad, on giving good security to return at night, for the charge of a keeper's fee, 1*s.* 6*d.*; head turnkey, 2*s.* 6*d.* Often the discharge fees came to more than the debt. Hungry, and at times almost naked, the poor prisoners lay in these unsanitary dens until death. There was a gift to this prison, called Nell Gwynne's dole, distributed to prisoners every ninth week. Some of the old statues from Ludgate remain, but railway trains now rattle over the prison site.—*Curiosities of London.*

JUDGE JENKINS.

DAVID JENKINS, a Welsh judge in the reign of Charles the First, distinguished himself so strenuously in behalf of the royal cause, that on falling into the hands of the rebels in 1645, he was sent up to London, and committed first to the Tower, and next to Newgate. When he was brought to the bar of the House of Commons, he was reprimanded by old Lenthall, the speaker, for refusing to kneel, on which he made this reply:

"In your speech, Mr. Speaker, you said the house was offended with my behaviour, in not making any obeisance to you on my coming here; and this was the more wondered at, because I pretended to be knowing in the laws of the land (having made it my study for these five-and-

forty years); and because I am so, that was the reason of such my behaviour: for as long as you had the king's arms engraved on your mace, and acted under his authority, had I come here, I would have bowed my body in obedience to his authority, by which you were first called. But, Mr. Speaker, since you and this house have renounced all your duty and allegiance to your sovereign and natural liege lord the king, and are become a *den of thieves*, should I bow myself in this house of Rimmon, the Lord would not pardon me in this thing."

This bold speech so irritated the house, that without any farther trial, they voted him and Sir Francis Butler, another royalist, guilty of high treason, and even fixed the day of their execution, but were diverted from it by a droll speech of Harry Marten, who said that this way of proceeding would do them mischief.

After this the house sent a committee to Newgate, offering the judge, that if he would own their power to be lawful, they would not only take off the sequestrations from his estate, which were about five hundred pounds a year, but would also settle a yearly pension on him of one thousand pounds. To which he answered, "far be it from me to own rebellion to be lawful, because it is successful;" so he desired to see their backs.

Then the chief of them made him another proposal, saying, that he should have the same

grants, if he would only permit them to put it in print, that he did own and acknowledge their power to be lawful, and would not gainsay it. To this he answered, "that he would not connive at their so doing, for all the money they had robbed the kingdom of; and should they be so impudent as to print any such matter, he would sell his doublet and coat to buy pens, ink, and paper, and would set forth the commons house in their proper colours."

When they found him so firm, one of the committee used this motive: "You have a wife and nine children, who will all starve if you refuse this offer; so consider, for their sakes, they make up ten pressing arguments for your compliance."—"What," said the Judge, "did they desire you to press me in this matter?"—"I will not say they did," replied the committee-man, "but I think they press you to it without speaking at all." With that the old man's anger was heightened to the utmost, and in a passion he said, "Had my wife and children petitioned you in this matter, I would have looked upon her as a whore, and them as bastards."

Upon this the committee departed, and the judge remained in confinement, expecting nothing less than to be hanged; and he declared that if he suffered, it should be with the Bible under one arm and Magna Charta under the other. He survived the Restoration, and died in 1663, aged upwards of 80 years.

FATTENING IN PRISON.

MR. BARWICK, a firm friend of Charles II., though harassed with a continual cough, followed by a spitting of blood, and afterwards by a consumption; yet would not interrupt his daily correspondence with the ministers of that monarch; being at length detected, he, with his brother, whom he refused to implicate, were by a warrant from President Bradshaw and Sir Henry Mildmay, dated April 9, 1650, committed to the Gate House, where they were most cruelly treated, and three days afterwards Mr. John Barwick was committed to the Tower. The reason assigned for this change of his prison was, that he might be nearer to the rack, his persecutors assuring him at the same time, that in a few days they would name commissioners to examine him, who should have that engine for their secretary. Mr. Francis West, who was then Lieutenant of the Tower, put him in a dungeon where he was kept from pen, ink, and paper, and books, with restraint from seeing any person except his keepers; and, as an additional punishment, had boards nailed before his window to exclude the fresh air. In this melancholy situation he remained many months, during which time the diet he used was herbs or fruit, or thin water-gruel, made of oatmeal or barley, with currants boiled in it, and sweetened with a little sugar, by which he recovered

beyond all expectation, and grew plump and fat. A cure so perfect and so strange, that Dr. Cheyne, and other physicians, take notice of it in their writings.

TWO HUNDRED POUNDS.—GOING TO LAW.

THE following, from the "Life of Johnson," by Sir John Hawkins, a successful solicitor, an active and experienced magistrate, and one who knew the world much and widely, is striking:—

"The chances [of eluding conviction] are these: 1. That the offender is not discovered, or, if discovered, not apprehended. 2. That the person injured is not both willing and able to prosecute him. 3. That the evidence is not sufficient for the finding of the bill; or if it be, 4. That the indictment is so framed as that the offender cannot be convicted on it; or, 5. That the witnesses to support it may die, or be prevailed upon to abscond, or to soften their testimony; or, 6. They may be entangled, or made to contradict themselves or each other, in a cross-examination by the prisoner's counsel; or, 7. A mild judge; or 8. An ignorant or perverse jury; 9. A recommendation to mercy; or, 10. Appeals to the public by stating his case in pamphlets or newspaper paragraphs, which the Newgate solicitors know very well how to get drawn, 11. Practices with a jury to obtain a declaration that some of them were dissatisfied with the

verdict. 12. A motion in arrest of judgment. 13. A writ of error grounded on some defect or mistake on the face of the record. 14. An escape; and lastly, interest to procure a pardon. [What follows is a note on the last word.] To this purpose, and as a caveat against seeking redress for injuries by going to law, I recollect a saying of a very sagacious and experienced citizen, Mr. Selwin, who was formerly a candidate for the office of chamberlain, and missed it only by seven votes out of near seven thousand: 'A man,' says he, 'who deliberates about going to law should have, first, a good cause; secondly, a good purse; thirdly, an honest and skilful attorney; fourthly, good evidence; fifthly, able counsel; sixthly, an upright judge; seventhly, an intelligent jury; and with all these on his side, if he has not, eighthly, good luck, it is odds but he miscarries in his suit.' The same person told me the following story:—"He was once requested, by a man under sentence of death in Newgate, to come and see him in his cell; and, in pure humanity, he made him a visit. The man briefly informed him that he had been tried and convicted of felony, and was daily expecting the arrival of the warrant for his execution; 'but,' said he, 'I have 200*l.*, and you are a man of character, and had the court interest when you stood for chamberlain; I should therefore hope it is in your power to get me off.' Mr. Selwin was struck with so strange an appli-

cation, and to account for it asked if there were any alleviating circumstances in his case. The man peevishly answered 'No;' but he had inquired into the history of the place where he was, and *could not find that any one who had two hundred pounds was ever hanged.* Mr. Selwin told him it was out of his power to help him, and bade him farewell—"which," added he, 'he did, for he found means to escape punishment.' We all know that publications of the class of *Jonathan Wild, The Beggar's Opera*, &c., throw out more than hints of such a state of things as above described."—*From the Athenæum*, 1866.

"THE GREAT JENNINGS PROPERTY."

FROM the most important domestic question of the heirship to this property, Mr. Dickens is understood to have derived his famous "*Jarndice v. Jarndice*." The history of the affair is thus pleasantly related by Mr. Hargrave Jennings:—

"This enormous property, variously estimated at from two to seven millions sterling, and including estates in eleven counties in England, and money in all the old banks in London, was left by an extraordinary miser named William Jennings, described in the *Annual Register* of 1798, as 'the richest commoner in England.' He was born in 1701, and died at his seat, Acton Hall, near Long Melford, Suffolk, instanced as one of the most splendid private

edifices in Great Britain, and boasted a ball-room (which was never once used) constructed at a cost of 30,000*l*. Notwithstanding his incalculable wealth, so mean were the habits of this old man that he lived in the underground story of his great house, permitting, for the space of nearly thirty years, the approach of no woman. He died unmarried and childless, and left no will. The Baroness Howe, daughter of the celebrated Admiral Lord Howe, took possession of the old man's property, through a claim of intermarriage between a member of the Jennings family with that of the Curzons. Administration was, however, not granted for eighteen years—a significant fact.

“William Jennings was the godson of King William III., and served as page to that monarch. In connection also with his family at this period were Sarah Jennings, afterwards Duchess of Marlborough; Frances Jennings (her sister), Marchioness of Tyrconnell, wife of Richard Talbot, the Lord Deputy of Ireland for King James II.; and, little as it is supposed—Miss Hills, afterwards the famous rival and successor of the Duchess in the affections and favour of Queen Anne—Mrs. Masham, in reality the creator of the fortunes of Harley, Earl of Oxford. Mrs. Masham was a cousin of the Duchess of Marlborough, and was introduced at court by her. Frances, the Marchioness of Tyrconnell, was, in the days of her distress, the celebrated

‘white milliner’ appearing in the domestic history of George I., and commemorated in a piquant comedy by Douglas Jerrold. Soame Jenyns, the philosopher, and Constantine Jennings (there are eleven different ways of spelling the name), the possessor of three fortunes, who, notwithstanding, died in poverty in 1818, in the Rules of the King's Bench Prison, and who is known as ‘Dog Jennings,’ on account of his purchase of Alcibiades's Dog, were also of this family. The supposed figure of Alcibiades's Dog cost 2000 guineas. However, the public interest in regard to a property and a story which read more like romance than plain matter of fact rests in the circumstance that the property is still in litigation, new claimants appearing every day. The Earl Howe, Earl Beauchamp, and other members of aristocratic rank, claiming affinity (though remote) with the original family, are in possession, although the claim has been always protested against, of this extensive property. Altogether this attraction of the great wealth, lying open to the heirship of some persons undiscovered, yet, if at all discoverable, draws claimants not only from the United States, but, to the writer's knowledge, from the Cape of Good Hope, India, and Australia; omitting Ireland and Canada, which countries have sent to England claimants in profusion, with the proper proportion of lawyers and pedigree-fanciers. Such is a story of wealth.”

FEMALE SHERIFFS AND JUSTICES.

NICHOLAS, Earl of Thanet, was succeeded by his next brother, John, the fourth Earl, born on August 7, 1638. He also succeeded his mother, Margaret, Countess of Thanet, as Baron of Clifford, Westmoreland, and Vescy, who, by her last will, bearing date the 19th of June, 1676, gave the Yorkshire and Westmoreland estates to this John, her second son, for life: her ladyship departed this life on August 14th following, and he became possessed of those estates, with the hereditary sheriffdoms of Westmoreland and Cumberland; for it frequently happened in those hereditary sheriffdoms, that female heiresses became possessed of them, and were consequently sheriffs of those districts; for there are several instances of women bearing that office, as may be seen in most of the treatises in which that duty is mentioned; and those things required by it, not proper to be undertaken by a female, were entrusted to a deputy, or shirclerk in their name. Not only the office of sheriff, but even justice of the peace, has been in the hands of the fair sex; for among the Harleian manuscripts is a very remarkable note taken from Mr. Attorney-General Noy's readings in Lincoln's Inn, in 1632, in which upon the point whether the office of a justice of a forest might be executed by a woman, it was said that Mar-

garet Countess of Richmond, mother to Henry VII., was a justice of peace; that the Lady Bartlet was made a justice of peace by Queen Mary, in Gloucestershire; and that in Sussex, one Rouse, a woman, did usually sit upon the bench at the assizes and sessions, among other justices, *gladio cinctu*, (girded with a sword); and it is equally certain, that Anne, Countess of Pembroke, exercised the office of hereditary Sheriff of Westmoreland, and at the assizes at Appleby, sat with the judges on the bench, which puts this point beyond a question.

POPULAR VERDICT OF A JURY.

OWEN, a bookseller, was prosecuted by information in the year 1752, by the then attorney-general for a libel: the direction of the Lord Chief-Justice Lee to the jury does not appear at full length in the State Trials. However, it appears that the chief justice "declared it as his opinion, that the jury ought to find the defendant guilty." The jury brought in their verdict, Not guilty. And it appears by the State Trials, that, after the verdict of not guilty was given, "the jury went away; but, at the desire of the attorney-general, they were called into court again, and asked this leading question, viz., Gentlemen of the jury, do you think the evidence laid before you, of Owen's publishing the book by selling it, is not sufficient to convince you that the said Owen did sell this book?" Upon

which the foreman, without answering the question, said, "Not guilty, not guilty;" and several of the jury said, "That is our verdict, my lord, and we abide by it." Upon which the court broke up, and there was a prodigious shout in the hall.

UNPRINCIPLED JURY.

IN the case of Foster against Hawden, in the King's Bench, reported in Levinz, "the jury, not agreeing, cast lots for their verdict, and gave it according to lot; for which, upon the motion of Levinz, the verdict was set aside, and the jury was ordered to attend next term to be fined."

In an appeal of murder, reported in Coke, the fact, that is to say, the killing, was not denied by the defendant; but he rested his defence upon a point of law, namely, that the deceased had provoked him, by mocking him, and he therefore contended that it was not murder. All the court severally delivered their opinions, that it was murder. The jury could not agree whether it was murder, or not; but the major part of them were for finding the defendant not guilty. They, however, at last, came to an agreement in this manner, "That they should bring in and offer their verdict, not guilty; and, if the court disliked thereof, that then they should all change their verdict and find him guilty." In pursuance of this agreement the jury brought in their verdict, not guilty. The court, disliking the verdict, sent the jury back again; who, in pursuance of the agree-

ment they had so made, returned and brought in their verdict, guilty.

AN OPINION WITHOUT A FEE.

SERJEANT FAZAKERLY, being on a visit in the country, in the time of long vacation, was one day riding out with a rich squire, who happened at that time to be about engaging in a law suit, and thought it a good opportunity to pump an opinion out of the counsellor gratis. The serjeant gave his opinion in such a way that the gentleman was encouraged to go on with the suit, which, however, he lost, after expending considerable sums. Irritated by his disappointment, he waited upon the serjeant at his chambers, and exclaimed, "Zounds, Mr. Serjeant, here I have lost three thousand pounds by your advice."—"By my advice," says Fazakerly, "how can that be? I don't remember giving you my advice, but let me look over my book."—"Book," says the other, "there is no occasion to look at your books; it was when we were riding together at such a place."—"Oh," answered the serjeant, "I remember something of it; but, neighbour, that was only my *travelling* opinion, and my opinion is never to be relied on, except it is registered in my *fee-book*."

STATE TRIALS OF 1794.

IN 1784 and 1791 there were formed in London two political societies, whose object was the

reform of Parliament. The one was called "the Society for Constitutional Information," and the other "the Corresponding Society." Of the first the Duke of Richmond, Sir George Saville, Mr. Pitt, and other distinguished persons had been members. The latter consisted chiefly of the labouring classes of the metropolis, who met in public-houses, and subscribed one penny weekly, and it consisted of nearly 60,000 members. One Adams was the secretary of the first, and it afterwards appeared that he was in the pay of ministers, to whom he communicated the whole of the proceedings. Thomas Hardy, a respectable master shoemaker, of Fleet Street, was the secretary of the other. This last society held public meetings at Chalk Farm and Copenhagen House, augmented by spectators to 100,000 or 200,000 in number, and passed such resolutions as alarmed the Government. At length the secretaries and their papers were seized, with eleven of what were considered the most active members of the respective societies. One fled to Holland; but Hardy, Horne Tooke, John Thelwall, John Richter, Jeremiah Joyce, and six others were committed to the Tower. Though it afterwards appeared that no one knew more than two of the others, yet a grand jury found a bill against them for a joint conspiracy to overturn the Government, and they were brought to trial at the Old Bailey. Never was the attention of the whole nation more completely riveted

to one subject. Hardy's trial lasted eight days, when he was acquitted; Tooke's six days, with the same result; and Thelwall's five days, with a similar issue. On this the whole were discharged. The efforts of the lawyers on each side were unparalleled. Scott, the Attorney-General, spoke fourteen hours in each trial; but Erskine, for the prisoners, exerted all his known talents in cross-examining the witnesses, and in his addresses to the juries. Acts of Parliament were then passed to prevent the formation of affiliated societies for the future; but the doctrine of treason by construction or implication, taught by Chief-Justice Eyre, in his charge to the grand jury, was utterly exploded.

THE ENTAIL.—A FABLE.

THIS piece was occasioned by the author, Horace Walpole, being asked, after he had finished the little castle at Strawberry Hill, and adorned it with the portraits and arms of his ancestors, if he did not design to entail it on his family.

In a fair summer's radiant morn,
A butterfly, divinely born,
Whose lineage dates from the mud,
Of Noah's or Deucalion's flood,
Long hovering round a perfumed lawn,
By various gusts of odour drawn,
At last established his repose
On the rich bosom of a rose.

'The palace pleased the lordly guest;
What insect own'd a prouder nest?
The dewy leaves luxurious shed
Their balmy odours o'er his head,
And with their silken tapestry fold
His limbs enthroned on central gold;
He thinks the throne's embattled round
To guard his castle's lovely mound,

And all his beech's wide domain
Subservient to his fancied reign.
Such ample blessings swell'd the fly !
Yet in his mind's capacious eye,
He roll'd the change of mortal things,
The common fate of flies and kings.
With grief he saw how lands and honours
Are apt to slide to various owners ;
Where Mowbrays dwelt, now grocers
dwell,

And how cits buy what barons sell.
"Great Plucbus ! patriarch of my line,
Avert such shame from sons of thine.
To them confirm their roofs," he said ;
And then he swore an oath so dread,
The stoutest wasp that wears a sword,
Had trembled to have heard the word !
"If law can rivet down entails,
These manors ne'er shall pass to snails,
I swear,"—and then he smote his
ermine—

"These towers were never built for vermin."

A caterpillar grovell'd near
A subtle, slow conveyancer,
Who summon'd Waddles with his quill,
To draw the haughty insect's will.
None but his heirs must own the spot,
Begotten or to be begot :
Each leaf he binds, each bud he ties
To eggs of eggs of butterflies.
When, lo ! how Fortune loves to tease
Those who would dictate her decrees !
A wanton boy was passing by ;
The wanton child beheld the fly,
And eager ran to seize the prey ;
But, too impetuous in his play,
Crush'd the proud tenant of an hour,
And swept away the mansion flower.

"MEN OF STRAW."

MANY years ago, men could easily be found to give any evidence, upon oath, that might be required : and some of these persons walked openly in Westminster Hall with a straw in one of their shoes, to signify they wanted employment as witnesses ; hence originated the saying, "he is a Man of Straw."* But the custom has high antiquity. A writer in the *Quar-*

* The writer remembers to have seen these "men of straw" standing for hire in Chancery Lane.

terly Review (vol. xxxiii. p. 344), on Greek courts, says : "We have all heard of a race of men who used in former days to ply about our own courts of law, and who, from their manner of making known their occupation, were recognised by the name of *straw-shoes*. An advocate or lawyer who wanted a *convenient* witness, knew by these signs where to find one, and the colloquy between the parties was brief. 'Don't you remember?' said the advocate—the party looked at the fee and gave no sign ; but the fee increased, and the powers of memory increased with it—'To be sure I do.' Then come into court and swear it !' And straw-shoes went into court and swore it. Athens abounded in straw-shoes.

"RED TAPE."

CURRAN, when Master of the Rolls, said to Mr. Grattan, "You would be the greatest man of your age, Grattan, if you would buy a few yards of red tape, and tie up your bills and papers." This was the fault or misfortune of Sir James Mackintosh : he never knew the use of red tape, and was utterly unfit for the common business of life. That a guinea represents a quantity of shillings, and that it would barter for a quantity of cloth, he was well aware ; but the accurate number of the baser coin, or the just measurement of the manufactured articles to which he was entitled for his gold, he could never learn, and it was impossible to teach him."

*ELIZABETH FENNING.—
HER TRIAL AND EXECUTION.*

ELIZABETH FENNING, for administering poison to the family of Mr. Olibar Turner, 68, Chancery Lane, with intent to kill: executed in the Old Bailey, Tuesday, July 25th, 1815.

The case of Elizabeth Fenning—for although usually called “Eliza,” Elizabeth was her baptismal name—adds another record to our criminal history of the extreme danger of convicting for capital offences on presumptive or circumstantial evidence alone,—a record written in letters of blood. Elizabeth Fenning, cook in the family of Mr. Olibar Turner, Law Stationer, of Chancery Lane, was tried on Tuesday, April 11th, 1815, at the Old Bailey, before the Recorder, “that she, on the 21st day of March, feloniously and unlawfully did administer to, and cause to be administered to, Olibar Turner, Robert Gregson Turner, and Charlotte Turner, his wife, certain deadly poison (to wit, arsenic), with intent the said persons to kill and murder.” There were other counts varying the offence. Mr. Gurney conducted the prosecution. The poison, it was stated, had been mixed in some yeast-dumplings, of which the family, as also Eliza Fenning, had freely partaken at dinner. Although violent sickness and excruciating pain was the result, in no case, fortunately, did death ensue. Of those who suffered the most

was Eliza Fenning. Medical evidence proved that a large quantity of arsenic was mixed with the dough from which the dumplings had been made. No counsel in criminal cases being then permitted to address the jury on behalf of the prisoner (except on points of law), poor Elizabeth Fenning could only assert her innocence: “I am truly innocent of the whole charge,—indeed I am! I liked my place. I was very comfortable.” The jury in a few minutes returned a verdict of guilty, and the Recorder immediately passed sentence of death.

Had it not been for this calamitous event, in a very few days she would have been married to one in her own position of life. Her bridal dress was prepared; with girlish pride she had worked a little muslin cap, which she proposed wearing on that joyous occasion. In this bridal dress and little muslin cap, on the morning of the 25th of July, she followed the Ordinary of Newgate through the gloomy passages of the prison to the platform of death. Here again she firmly denied her guilt, and with the words on her lips, “I am innocent!” her soul passed into eternity. And yet, if my information be correct, she was as guiltless of the crime for which she suffered as any reader of this note; but some years elapsed before the proof of it was afforded. At length, however, Truth, the daughter of Time, unveiled the mystery. On a bed, in a mean dwelling in Chelmsford, in Essex, lay a man

in the throes of death: his strong frame convulsed with inward agony. To those surrounding that bed, and watching his fearful exit from the world, he disclosed that he was the nephew of a Mr. Turner, of Chancery Lane; that many years since, irritated with his uncle and aunt, with whom he resided, for not supplying him with money, he availed himself of the absence, for a few minutes, of the servant-maid from the kitchen, stepped into it, and deposited a quantity of powdered arsenic on some dough he found mixed in a pan. Eliza Fenning, he added, was wholly ignorant of these facts. He made no further sign, but, like the rich man in the Testament, "he died and was buried." I will not presume to carry the parallel further. — (*Communicated to Mr. J. Holbert Wilson, by one acquainted with Mr. Fenning's family.*)

The following is another account of the case:—

At the Old Bailey sessions in April 1815, Elizabeth Fenning was convicted of feloniously administering a quantity of arsenic in some dumplings, with intent to poison Mr. and Mrs. Turner and family. It was said that she often pressed her mistress to let her make some yeast-dumplings, at which she pretended to be a famous hand. On the 21st March the brewer left some yeast, and, instead of getting the dough from the baker's the prisoner made it herself. Mr. and Mrs. Turner, and the father of the latter, dined

together; Mrs. T. ate very little of the yeast-dumplings, but she were taken ill before she had done dinner, with a violent sickness, excruciating pain in the head, &c.; and she was compelled to leave the table, the pains continuing until nine o'clock in the evening. The other persons who ate of the dumplings (among whom was Fenning herself,) were affected in a similar manner. The poison, it appeared, had previously been kept in a drawer; and was written upon, "arsenic, deadly poison." Medical men proved that poison had been put into the pan where the dumplings were mixed, and the prisoner was found guilty. The prisoner protested her innocence in a solemn manner, and the case afterwards excited great public interest. She was by thousands believed to be innocent, and was considered a victim of the stern severity of the law; for she had, in other respects, an excellent character, and appeared to have no probable motive calculated to lead her to commit so enormous a crime.

"WILD ANIMALS."

At the Exeter Assizes in 1872, there was a case in the calendar which usefully illustrated the uncertainty attending the legal definition of a wild animal. The prisoner, a fisherman, was charged with stealing a lobster by abstracting it from the "pot" of a fellow-fisherman, the said "pot" being sunk in the English Channel off the coast of Devon.

The counsel for the defence raised the objection that a lobster was a wild animal, and therefore a criminal information could not be maintained. The judge ruled that a lobster was not a wild animal, but considerable time was wasted in argument before the legal *status* of the crustacean was fixed. A still more curious instance of the difficulty has arisen in the same county. A swarm of bees alighted in a lane near the residence of a farmer named Pidsley, who straightway hived them. A neighbour named Llanville declared that the bees were his, and, shaking them out of Mr. Pidsley's hive into his own, carried them away. Pidsley sued in the County Court for the recovery of the value of the bees, and the Judge, Mr. Serjeant Petersdorff, after hearing all the evidence, said it would be necessary to withhold his judgment till next Court, "there being a variety of points that suggested themselves to his mind with reference to the ownership of wild animals." The possibility of bees being regarded as wild animals was a new light for the Devonshire bee-masters. — *Times Journal*.

PERCEVAL AND PHILLIPS.

IN January, 1793, Phillips, then a retail bookseller at Leicester, was indicted for vending a copy of "Paine's Rights of Man," previously to Paine's conviction, when it was freely sold by all booksellers; and Perceval was retained as counsel against

him, being his first cause in behalf of government. A jury, convened by an officer who was the partner of the attorney for the prosecution, and the bench of a *close* corporation, afforded Perceval an easy triumph; yet on the occasion he exhausted all that vituperative eloquence, and pale-faced cadaverous spleen, for which at the bar he was distinguished. Phillips was sentenced to eighteen months' imprisonment, and Perceval pursued his career of promotion. The former, denying the justice of the proceedings, suffered his imprisonment and afterwards removed to London. A prosperous trade enabled him to keep a country house at Belsize, Hampstead, and it so happened that it was the next premises to Perceval's, then Attorney-General, and afterwards Chancellor of the Exchequer. They frequently saw each other but never spoke. In 1807, (fourteen years after,) Phillips became Sheriff of London, and Perceval First Lord of the Treasury. They necessarily met at Court, and still looked shy at each other; at length, on a suitable occasion, George the Third conferred on Phillips the honour of knighthood, and immediately on his retiring from the king, he was saluted in the ear, in a pompous tone, by the words, "I congratulate Sir Richard Phillips." The latter turned his face, and it met that of Perceval; struck by the incident, he exclaimed, "I am at once astonished and gratified by this coincidence: it is, Sir, our first rencontre since we met at

Leicester."—"Well," said Perceval, "I am pleased to see in Mr. Phillips, Sir Richard Phillips, Sheriff of London; altered, I hope, as much in principles as in situation."—"No," rejoined the other, "my principles are the same, and will, I trust, always continue unchanged." Perceval looked disappointed, and though the parties bowed and smiled when they met, Phillips always found himself crossed by the influence of Perceval, till, about three or four years after, Perceval was shot by Bellingham; and it so happened that Phillips, coming into the lobby of the House of Commons a few minutes after, was one of those who assisted in removing the lifeless body of his old opponent.

OUTWITTING A SCREW.

A LAWYER at Nottingham had a wealthy man for his client, who was well known for his practical economy, to say the least of his saving sins. The suit was long, and this gentleman, who had hitherto taken but little notice of his legal adviser, suddenly became profusely civil, for he invited him to dinner, and one bottle of wine every Sunday; then, in the course of the evening, the economist was sure to say—in that confidential, familiar tone, which expresses, I'm talking to you as a friend, remember there's nothing to pay—"And now, Mr.—, I've a little point for your consideration," whereupon a regular discussion ensued. The lawyer soon began to suspect his client's cunning manœuvre, and to say

to himself, "If the beggarly fellow thinks to kill two birds with one stone and to take me in, he is mistaken;" but he quietly suffered the miser's civility to run on for twelve months: at the end of this period he sent his host in a monstrous bill, containing, amongst sundry week-day charges, the following items, nearly in the following words, for every Sunday in the year:—

To coming to you, when you sent for me, including expenses to and from your house, for horse, chaise, servant, turnpike, &c., Sunday, the * * * ... 2 2 0
To counsel given, as per request, when dining with you Sunday, the * * * o 6 8
There was no disputing the matter, and the money was paid.

A BILL OF COSTS.

A WORTHY old gentleman in the country having employed an attorney, of whom he had a pretty good opinion, to do some law business for him in London, he was greatly surprised, on his coming to town, and demanding his bill of law charges, to find out it amounted to at least three times the sum he expected; the honest attorney assuring him that there was no article in his bill but what was fair and reasonable. "Nay," said the country gentleman, "there's one of them I am sure cannot be so, for you have set down three shillings and fourpence for going to Southwark, when none of my business lay that way; pray, what

is the meaning of that, Sir?" "Oh, sir," said he, "that's for fetching the chine and turkey from the carrier's, that you sent me for a present out of the country."—*Joe Miller.*

LAW AGAINST GROWING TOBACCO.

It was in 1624 that James I. ordered by proclamation that thenceforth no tobacco should be grown in Great Britain, and that none should be imported other than was the produce of Virginia and Bermuda. This prohibition was not intended so much for the advantage of the colonists—although it really produced that effect—as it was to facilitate the collection of revenue upon the article, it being of course more easy to levy a duty at the Customs House upon importation than to collect a tax from every farmer in the country who might be disposed to cultivate tobacco. The same motive, undoubtedly, has induced the governments of several other European states to prohibit its culture. Tobacco, however, is extensively grown in Holland; in the states of the German Confederation; in Alsatia, in Hungary, the Ukraine, and Turkey in Europe. It thrives well as far as the 54th degree of latitude in Mecklenburgh and Pomerania.

The law (says Barrington), which hath been perhaps most completely executed of any in the Statute-book, is the statute of Charles II. which directs the sheriff to root up all the tobacco growing in the country.

Before this it was much planted in different parts of England, particularly in Gloucestershire. The Acts prohibiting its cultivation did not, however, apply until lately to Ireland.

An attempt was made, about the year 1837, to grow tobacco in Ireland. It proved very remunerative to the growers, but the authorities interfered to prevent its cultivation.

WAGER OF BATTLE.

At pp. 45 and 46 we have depicted the latest Wager of Battle, by a diarist of our own time.

The whimsical combat between Homer and Peter in Shakspeare's "Henry VI.," was found by the poet thus picturesquely told by Holinshed. "A certain armourer was apprehended of treason by a servant of his own; for proof thereof, a day was given them to fight in Smithfield, insomuch that in conflict the said armourer was overcome and slain, but yet by misgoverning of himself; for on the morrow, when he should come to the field fresh and fasting, his neighbours came to him, and gave him wine and strong drink in such excessive sort that he was therewith distempered, and reeled as he went, and so was slain without guilt. As for the false servant, he lived not long unpunished; for, being convicted of felony in court of assizes, he was judged to be hanged, and so was hanged."

This incident as related with variations by Shakspeare, in all

probability presents an accurate representation of the forms which attended a Wager of Battle. The names of the combatants were John Daveys and William Catour. The barriers, it appears, were brought from Smithfield to Westminster; a large quantity of sand and gravel was laid down, and the place of battle was strewed with rushes. The return of the expenses contains the following item: "Also, paid to the officers for watching of yed man in Smythfelde yesame day, and ye nyghte after yt ye bataille was done, and for hors-hyre for ye officers at ye execution doynge, and for ye hangman's labour, xjs. 6d." The hangman's labour was subsequent to the battle. All the historians agree that the armourer was slain by his servant; but the ceremonies attending the punishment of a traitor was gone through with the dead body.

Mr. Hewitt, in his able work on *Ancient Arms and Armour*, says: "In the thirteenth century we first obtain a pictorial representation of the legal duel, or wager of battle—rude it is true, but curiously confirming the testimony that has come down to us of the arms and apparel of the champions,"—on one of the miscellaneous rolls in the Tower, of the time of Henry III. The combatants are Walter Blowberne and Haman le Stare, the latter being the vanquished champion, and figuring a second time undergoing the punishment incident to his defeat—that is, hanging. Both are armed with the quadrangular-bowed shield

and a baton headed with a double beak; and are bareheaded, with cropped hair in conformity with an ordinance of the camp-fight. An example agreeing with this description, with the exception of the square shields appearing to be flat instead of bowed, occurs on a tile-pavement found, in 1856, within the precincts of Chertsey Abbey, Surrey.

The legal antiquaries in 1817 were disappointed of the spectacle of a judicial duel, by the voluntary abandonment of the prosecution. A writer of the time observed: "Should the duel take place, it will be indeed a singular sight to behold the present venerable and learned judges of the Court of King's Bench clothed in their full costume, sitting all day long in the open air in Tothill Fields, as the umpires of a match at single stick. Nor will a less surprising spectacle be furnished by the learned persons who are to appear as the counsel of the combatants, and who, as soon as the ring is formed, will have to accompany their clients within the lists, and to stand, like so many seconds and bottle-holders, beside a pair of bare-legged, bare-armed, and bare-headed cudgellists." The subject, ludicrous as it seemed, was one of considerable seriousness and importance. The reflection that in the nineteenth century a human life might be sacrificed to a practice which might have been conceived too absurd, impious, and cruel, to have outlived the dark ages, could not be entertained without pain. In the following year,

however, this barbarous absurdity was nullified by an Act (59 Geo. III. c. 46) abolishing all criminal appeals and trial by battle in all cases, both civil and criminal, and thus purifying the law of England from a blot which time and civilisation had strangely failed to wear away.

It is difficult to concur in the feelings with which some authors weep over the supersession of the Saxon Trial by Jury, and the establishment of the Norman Trial by Battle. The rude elements of our jury trials certainly appear to have been derived from the Saxons; but it required centuries to elaborate them into the form they have now taken. The Saxon trial by jury, if it may be so called, was useful but very simple and imperfect contrivance, and when we consider that the various ordeals by fire, by water, by hot iron, by the cross, and by the *corsnet*, or morsel of execution, were at least as purely and properly modes of trial as the use of a jury, we may the less lament that the subject of the Harefoots and the Ironsides should have been compelled to adopt the more glorious ordeal of arms.

"These indisputable monuments of our ancient rudeness are a very different confutation of the panegyrical declamations in which some persons would persuade in that the crude institutions of our unlettered people had attained a height which the united efforts of necessity, learning, inquiry, and experience, can hardly reach to in many ages."

—*Burke's British History.*

ARREST AFTER DEATH.

IT was long erroneously believed that the body of a debtor might be taken in execution after his death; which idle story we remember to have heard repeated in connection with the embarrassments of Sheridan at the time of his death, in 1816. Such was, however, the practice in Prussia till its abolition by the *Code Frédéricque*.

HORNE TOOKE'S POLITICAL PREDICTION.

HORNE was the son of a poulterer in Newport Market: when asked by some of his schoolfellows what his father was, he is said to have replied "a Turkey merchant." The somewhat turbulent tone of the politics of the son may have had something to do with the following circumstance. As Mr. Horne the father lived in Newport Street, he was a near neighbour to Frederick Prince of Wales, who then kept his court at Leicester House. Some of the officers of the household imagining that an outlet towards the market would be extremely convenient to them and the inferior domestics, an adjoining wall was cut through, and a door placed in the opening, without any ceremony; notwithstanding it was a palpable encroachment on, and violation of, the property of a private individual. In the midst of this operation, Mr. Horne remonstrated, as the brick partition

actually appertained to him, and the intended thoroughfare would lead through, and consequently depreciate the value of his premises. The representations of the dealer in geese and turkeys, although backed by law and reason, were disregarded by those who abused the authority of a prince. On this, Horne appealed from "the insolence of office" to the justice of his country; and to the honour of our municipal jurisprudence, the event proved different from what it would have been, perhaps, in any other kingdom in Europe; for a tradesman of Westminster triumphed over the heir-apparent of the English crown, and orders were issued for the removal of the obnoxious door. It is not unreasonable to suppose that this successful start had its influence upon Tooke's aims in life.

Tooke's audacity was irrepressible. In 1777 he was carried to the King's Bench to receive the sentence for publishing his advertisement for subscriptions for the Americans. Lord Mansfield ordered him to prison, he cried out, "What, before sentence?" Lord Mansfield was intimidated, and dismissed him. Some days after he was again brought into Court, and the Attorney-General pleaded for his being set in the pillory, and even had the audacity to quote the Star Chamber, which he said had been laid aside for its rankness, implying, therefore, it was not totally without merit. Lord Mansfield was afraid, and would not venture the pillory, but

sentenced Tooke to a fine and a year's imprisonment.

For many years Tooke was the terror of judges, ministers of state, and all constituted authorities. When put on trial for his life (for treason), "so far from being moved by his dangerous position, he was never in more buoyant spirits. His wit and humour had often before been exhibited in courts of justice; but never had they been so brilliant as on this occasion. Erskine had been at his request assigned to him as counsel; but he himself undertook some of the most important duties of his advocate, cross-examining the witnesses for the Crown, objecting to evidence, and even arguing points of law. If his life had really been in jeopardy, such a course would have been perilous and rash in the highest degree; but nobody in Court, except, perhaps, the Attorney and Solicitor-General, thought there was the slightest chance of an adverse verdict. The prisoner led off the proceedings by a series of preliminary jokes, which were highly successful. When placed in the dock he cast a glance up at the ventilators of the hall, shivered, and expressed a wish that their lordships would be so good as to get the business over quickly as he was afraid of catching cold. When arraigned, and asked by the officer of the Court, in the usual form, how he would be tried? he answered, "I *would* be tried by God and my country—but—" and looked sarcastically round the Court.

Presently he made an application to be allowed a seat by his counsel; and entered upon an amusing altercation with the judge, as to whether his request should be granted as an indulgence or as a right. The result was that he consented to take his place by the side of Erskine as a matter of favour. In the midst of the merriment occasioned by these sallies, the Solicitor-General opened the case for the crown."—Massey's *History of England*.

JUDGE JEFFERIES.

LORD JEFFERIES, whose name has been handed down to the execration of posterity as a cruel and remorseless tyrant, began his career as an advocate at the age of eighteen, two years before he was called to the bar. The Plague had thinned the lawyers, and frightened the remnant it spared. Jefferies's first field of practice was the Courts at Guildhall and Hick's-hall, and others of a like kind, where his bold and confident bearing stood him in good stead. A satirist has said, in allusion to his manner—

" Oft with success this mighty blast did
bawl,
Where loudest lungs and biggest words
win all."

He, however, soon succeeded in establishing himself, and, by the interest of two aldermen, who were his namesakes, but nowise related to him, obtained the appointment, first, of Common Serjeant, then of Recorder to the City of London. This latter office he was compelled to

resign by the country party, to whom he became obnoxious, as well for his joining the High Church party, as for his ready concurrence in all the designs of the Court. In the Popish Plot, and in the various Government prosecutions in those times, Jefferies was constantly employed, and acquitted himself so much to the satisfaction of the Court, that, on the death of Sir Edmund Saunders, he was made Chief Justice of the King's Bench. He proved himself in this capacity the willing instrument of royal vengeance. It has been well said of him, that "so as he rode on horseback, he cared not whom he rode over." His conduct to Algernon Sydney at his trial, the inhumanity with which he acted towards the deluded victims of the unhappy Monmouth, are well known.

Bishop Burnet has left the following character of Jefferies:—"All people were apprehensive of very black designs, when they saw Jefferies made Lord Chief Justice, who was scandalously vicious, and was *drunk every day*, besides a drunkenness of fury in his temper, that looked like enthusiasm. He did not consider the decencies of his post: nor did he so much as effect to seem impartial, as became a judge, but ran out upon all occasions into declamations that did not become the bar, much less the bench. He was not learned in his profession: and his eloquence, though viciously copious, yet was neither correct nor agreeable, Pemberton was turned out of the

Common Pleas, and Jones was put in his place : and Jefferies had three judges joined with him in the King's Bench, fit to sit by him."

Baxter's trial was one of the most remarkable transactions in his life, and one of the most characteristic of Jefferies's arbitrary disposition. On the 6th of May, 1685, Mr. Baxter appeared in the Court of King's Bench, and Mr. Attorney declared he would file an information against him. On the 14th the defendant pleaded not guilty, and on the 18th, Mr. Baxter, being much indisposed, and desiring further time than to the 30th, the day appointed for the trial, he moved by his counsel that it might be put off; on which the Chief Justice answered, "I will not give him a minute's more time to save his life. We have had to do with other sorts of persons, but now we have a saint to deal with, and I know how to deal with saints as well as sinners. Yonder stands Oates in the pillory (as he actually did in the New Palace Yard), and he says he suffers for the truth, and so does Baxter; but if Baxter did but stand on the other side of the pillory with him, I would say two of the greatest rogues and rascals in the kingdom stood there." On the 30th of May, in the afternoon, he was brought to his trial before the Lord Chief Justice Jefferies at Guildhall. Sir Henry Ashurst, who could not forsake his own and his father's friend, stood by him all the while. Mr. Baxter came first into Court, and with

all the marks of serenity and composure waited for the coming of the Lord Chief Justice, who appeared quickly after with great indignation in his face. He no sooner sat down than a short cause was called, and tried, after which the clerk began to read the title of another cause. "You blockhead, you," says Jefferies, "the next cause is between Richard Baxter and the King;" upon which Mr. Baxter's cause was called. The passages mentioned in the information were his paraphrase on Matt. v. 19; Mark ix. 39; Mark xi. 31; Mark xii. 38, 39, 40; Luke x. 2; John xi. 57, and Acts xv. 2.

The great charge was, that in these several passages he reflected on the prelates of the Church of England, and so was guilty of sedition, &c. The King's Counsel opened the information at large, with its aggravations. Mr. Wallop, for Baxter, said, that he conceived the matter pending being a point of doctrine, it ought to be referred to the bishop, his ordinary; but if not, he humbly conceived the doctrine was innocent and justifiable, setting aside the inuendoes, for which there was no colour, there being no antecedent to refer them to (*i.e.*, no bishop or clergy of the Church of England named). "My lord," says he, "I humbly conceive the bishops Mr. Baxter speaks of, as your lordship, if you have read church history, must confess, were the plagues of the church and of the world."

"Mr. Wallop," says the Lord Chief Justice, "I observe you

are in all these dirty causes ; and were it not for you gentlemen of the long robe, who should have more wit and honesty than to support and hold up these factious knaves by the chin, we should not be at the pass we are."

"My lord," says Mr. Wallop, "I humbly conceive that the passages accused are natural deductions from the text."

"You humbly conceive," says Jefferies, "and I humbly conceive : swear him, swear him."

"My lord," says he, "under favour, I am counsel for the defendant ; and, if I understand either Latin or English, the information now brought against Mr. Baxter upon such a slight ground, is a greater reflection upon the Church of England than anything contained in the book he is accused for."

"Says Jefferies to him, "Sometimes you humbly conceive, and sometimes you are very positive. You talk of your skill in church history, and of your understanding Latin and English ; I think I understand something of them as well as you ; but, in short must tell you, that if you do not understand your duty better, I shall teach it you ;" upon which Mr. Wallop sat down.

Mr. Rotherham urged, that if Mr. Baxter's book had sharp reflections upon the Church of Rome, by name, but spake well of the prelates of the Church of England, it was to be presumed that the sharp reflections were intended only against the prelates of the Church of Rome. The Lord Chief Justice said, Baxter

was an enemy to the name and thing, the office and person of bishops. Rotherham added, that Baxter frequently attended divine service, went to the sacrament, and persuaded others to do so, too, as was certainly and publicly known ; and had, in the very book so charged, spoken very moderately and honourably of the bishops of the Church of England. Mr. Baxter added, "My lord, I have been so moderate with respect to the Church of England, that I have incurred the censure of many of the dissenters upon that account."

"Baxter for bishops !" says Jefferies ; "that's a merry conceit indeed ; turn to it, turn to it."

Upon this Rotherham turned to a place where it is said, "That great respect is due to those truly called to be bishops among us, or to that purpose."

"Ay," said Jefferies, "this is your Presbyterian cant ; truly called to be bishops ; that is himself, and such rascals, called to be bishops of Kidderminster, and other such places ; bishops set apart by such factious snivelling Presbyterians as himself ; a Kidderminster bishop he means ; according to the saying of a late learned author, 'and every parish shall maintain a tithe-pig Metropolitan.'"

Mr. Baxter beginning to speak again, says Jefferies to him, "Richard, Richard, dost thou think we will hear thee poison the Court, &c. Richard, thou art an old fellow ; an old knave : thou hast written books enough to load a cart, every one as full

of sedition (I might say treason) as an egg is full of meat. Hadst thou been whipped out of thy writing trade forty years ago, it had been happy. Thou pretendest to be a preacher of the gospel of peace, and thou hast one foot in the grave; 'tis time for thee to begin to think what account thou intendest to give. But leave thee to thyself, and I see thou'lt go on as thou hast begun; but, by the grace of God, I will look after thee. I know thou hast a mighty party, and I see a great many of the brotherhood in corners, waiting to see what will become of their mighty don, and a doctor of the party (looking to Dr. Bates) at your elbow; but, by the grace of Almighty God, I'll crush you all."

Mr. Rotherham sitting down, Mr. Attwood began to show that not one of the passages mentioned in the information ought to be strained to that sense which was put upon them by the inuendoes, they being more natural when taken in a milder sense, nor could any one of them be applied to the prelates of the Church of England, without a very forced construction. To evidence this he would have read some of the text, but Jefferies cried out—

"You shall not draw me into a conventicle with your annotations, nor your snivelling parson neither."

"My lord," says Attwood, "I conceive this to be expressly within Roswell's case, lately before your lordship."

"You conceive," says Jefferies, "you conceive amiss; it is not."

"My lord," says Mr. Attwood, "that I may use the best authority, permit me to repeat your lordship's own words in that case."

"No, you shall not," says he. "You need not speak, for you are an author already; though you speak and write impertinently."

Says Attwood, "I cannot help that, my lord, if my talent be no better; but it is my duty to do my best for my client."

Jefferies thereupon went on, inveighing against what Attwood had published; and Attwood justified it to be in defence of the English Constitution, declaring that he never disowned anything that he had written.

Jefferies several times ordered him to sit down, but he still went on. "My lord," says he, "I have matter of law to offer for my client;" and he proceeded to cite several cases, wherein it had been adjudged that words ought to be taken in the milder sense, and not to be strained by inuendoes.

"Well," says Jefferies, when he had done, "you have had your say."

Mr. Williams and Mr. Phipps said nothing, for they saw it was to no purpose. At length, says Mr. Baxter himself, "My lord, I think I can clearly answer all that is laid to my charge, and I shall do it briefly. The sum is contained in these few papers, to which I shall add a little by testimony."

But Jefferies would not hear a word. At length the Chief Justice summed up the matter

in a long and fulsome harangue. "Tis notoriously known," says he, "that there has been a design to ruin the king and the nation. The old game has been renewed, and this has been the main incendiary. He is as modest now as can be; but time was, when no man was so ready to bind your kings in chains, and your nobles in fetters of iron; and to your tents, O Israel. Gentlemen, for God's sake don't let us be gulled twice in an age," &c. And when he concluded, he told the jury, that if they in their consciences believed he meant the bishops and clergy of the Church of England, in the passages which the information referred to, they must find him guilty; and he could mean no man else; if not, they must find him not guilty.

When he had done, says Mr. Baxter to him, "Does your lordship think any jury will pretend to pass a verdict upon me, upon such a trial?"

"I'll warrant you, Mr. Baxter," says he; "don't you trouble yourself about that."

The jury immediately laid their heads together at the bar, and found him guilty. As he was going from the bar, Mr. Baxter told my Lord Chief Justice, who had so loaded him with reproaches, and yet continued them, that a predecessor of his had had other thoughts of him: upon which he replied, that there was not an honest man in England but what took him for a great knave. He had subpoenaed several clergymen, who appeared in Court, but were

of no use to him, through the violence of the Chief Justice. He was afterwards sentenced to two years' imprisonment, but in fifteen months was pardoned.

Baxter wrote a great number of books. Mr. Long, of Exeter, says fourscore; Dr. Calamy, one hundred and twenty; but the author of a note in the "Biographia Britannica" tells us he had seen a hundred and forty-five distinct treatises of Mr. Baxter's. His practical works have been published in four volumes folio. Of these his "Saint's Everlasting Rest," and his "Call to the Unconverted," are the most popular.

The author of the *Life of Lord Guildford* relates that when Jefferies was in good humour, and matters between subject and subject came before him, no one became the seat of justice better. He talked fluently, and with spirit; but he could not reprove without scolding. He took great delight in mortifying those pests of society—fraudulent attorneys. A scrivener of Wapping having a case before him, one of the opponent's counsel said that he was a strange fellow—that he sometimes went to church, sometimes to conventicles; and that none could tell what to make of him, though it was rather thought that he was a trimmer. At this the Chief Justice was instantly fired. "A trimmer!" said he; "I have heard much of that monster, but never saw one; come forth, Mr. Trimmer, and let me see your shape." And he treated the poor scrivener so roughly, that when he came out

of the hall he declared that he would not undergo the terrors of that man's face again to save his life.

At Leatherhead, in Surrey, upon the bank of the Mole was a mansion, supposed to have been originally built in the reign of Henry VII. In the time of Charles II. it belonged to Sir Thomas Bloodworth, Knight (Lord Mayor of London at the time of the Great Fire, 1666), whose sister, the widow of a Welsh knight, was married, secondly, to the Lord Chancellor Jefferies, who is said to have been concealed here in an underground vault, a few years after the Revolution of 1688; when, "being proscribed and a reward set upon his head," he had ventured to Leatherhead to see a daughter who was on the point of death, and whose funeral, as appears by the register, was solemnised December 2nd, in the above year. The vault of the mansion (rebuilt), considered to be that wherein Jefferies took refuge, is well adapted for concealment, it being beneath one of the cellars, and covered over by a boarded flooring. It is traditionally asserted at Leatherhead that he was betrayed by the butler who had accompanied him in his flight, for the sake of the reward set upon his head.

The end of Jefferies is otherwise related :—When the Prince of Orange came over, and all was in confusion, Jefferies, being greatly obnoxious to the people, prepared to flee to the continent. For this purpose he dis-

guised himself in the dress of a sailor, and acting up to his assumed character, was drinking a pot of beer in a cellar, when the Wapping scrivener, already named as at Wapping, chanced to enter. His eye instantly caught the never-to-be-forgotten visage of the judge, and he gave a start of surprise, but said nothing. He feigned a cough, and turned away his head; the scrivener instantly went out and apprised the crowd that he had discovered this most hated of men. The people rushed into the cellar, seized the disguised Jefferies, and carried him before the Lord Mayor, who sent him, under a strong guard, to the Lords of the Council, by whom he was committed to the Tower. He died April 18, 1689, as was believed, from the injuries which he received when taken by the scrivener and the people.

*THE LADY ALICE LISLE.
—A ROMANCE OF FIVE
MINUTES.*

IT will be remembered that after the unfortunate Monmouth's overthrow at Sedgemoor, near Bridgewater, his scattered partisans sought protection and relief, some in hovels of the poor and naked, like themselves, and some at the mansions of the neighbouring gentry, whose principles were thought not unfavourable to the defeated, or whose charitable dispositions might be expected to offer a still more ready asylum to the fugitives. Of the latter class was the venerable hostess of Moyles

Court, whose husband, indeed, had distinguished himself among those who sat in judgment on the Royal Martyr; but her own feelings had always attached her to the House of Stuart, and her son had displayed his courage in favour of James at that very battle which had just blasted the hopes of his antagonist. The only rebel of her husband, the Colonel himself, had long ago retired an outlaw from his country, and was shot dead at Lausanne, in Switzerland, by three ruffians, engaged for that purpose by some of the Royal Family. Nevertheless, the widow of the regicide had been marked out by Government for distinction.

It was at that notorious tribunal, nicknamed by a horrible familiarity, the "Merciful Assizes" of Winchester, and before that notorious miscreant, Chief Justice Jefferies, that the infirm, yet stately, dame, now passed her 70th year, stood arraigned for high treason, in having concealed and supported two of poor Monmouth's followers in a cell, or vault, at Moyles Court, originally constructed to secure the persecuted priesthood of either party from the malice of their mutual pursuers. The aspect of the judge and prisoner presented a remarkable contrast. The countenance of the former betrayed nothing of that pride or ferocity which might be imagined from the character of the man. From continued habits of intoxication and sensuality, his face and demeanour were indicative rather

of sottish indolence and brutal doggishness, than of active cruelty or revenge. Few witnesses were called in the present case, yet their hasty evidence seemed too dilatory for his impatient petulance; he declared the charge to be established, and directed the jury to find their verdict accordingly. But the spirit of the indignant matron was not so tamely to be extinguished. She rose with majesty from the seat which her infirmities had demanded, rather than her wishes entreated; she raised her lofty form to its full proportions, and cast around, for a moment, her wan, yet impressive, features, maintaining, in wrinkles and fatigue, the serenity, if not the fire, of youth. Then, with an air which awe-struck even the heartless dolt upon the bench, she warned the jury of their duty; reminding them, "that the services her son had just performed should now exonerate her from regal animosity, had any accrued to her name from the disloyalties of her husband; that her crimes amounted to no more than this,—that, in ignorance both of the condition of the fugitives, and of the law which now pretended to condemn her, she had opened her doors to the hungry, the naked, and the forlorn; that even this offence, if offence it were, must rest upon her own confession alone, as no evidence had proved the fact upon her trial; that she had been allowed neither notice of the accusation, nor counsel, nor defence; that the safety of his Majesty's sub-

jects was far more endangered by one unjust trial and condemnation, than by any conspiracies or treasons of his people ; and that their own bodies had better be given over to the anger of a bigoted task-master, than their minds to the fangs of conscious iniquity, and their souls to that place of torment, whither the curses of a murdered woman would irrevocably consign them."

The effect of this appeal was visible even on the Judge ; he leaned forward with his eyes half raised from the ground, and, without suppressing the malicious smile that rose involuntarily on his lips, he motioned the jury to withdraw. They remained absent an unusual time, during which an intense anxiety pervaded all except the Judge himself, who rolled about from side to side with manifest uneasiness and displeasure. At length the Foreman appeared, and pronounced, "Not Guilty." An indistinct murmur of approbation ensued, while the disappointed monster lifted his unwieldy limbs from the chair, his eyes bursting with rage, his mouth foaming, his hands clenched, and, stamping with the rage of a tiger, yet the impotence of a child, gave vent to a loud, rapid, and unconnected volley of oaths, and, shaking his fist with more vehemence than dignity, fairly drove back the terrified Jurymen ; by the mere menace of his gesture. Again he sat down ; wrath and disappointment gave way at length to a smile of contempt, which indicated that some scheme was

at hand to prevent the recurrence of a like rebuff. Again the door opened ; the same messenger of justice returned, and commenced an apologetic preface, which was speedily interrupted by a demand of their decision. The same verdict was delivered as before ; and every one expected from the Judge a still more terrible ebullition of fury. But their expectations were baulked ; he merely nodded in sarcasm, and, beckoning to a Serjeant who attended with some score of that barbarous troop, distinguished by the title of "Kirke's Lambs," whispered him to keep guard at the door of the jury-room, till the verdict was a third time brought in. The very mention of this merciless brigade, the recollection of the horrid cruelties practised by the colonel and themselves, was sufficient to subdue a stouter heart than that of a Jurymen in the days of Jefferies. He alone could feast his eyes upon them ; and, as he sat in delightful anticipation of success, he reached down the black cap which hung above his head, and handled it and examined it with evident satisfaction. A third time the door opened, and the verdict having been first communicated to the Serjeant, and by him with a smile of approbation, to the Judge, "Guilty," death was recorded. A slight tumult succeeded ; but a few brandished swords speedily restored silence.

The Lady Alice remained totally unmoved ; she listened to her doom with firmness and composure, and seemed, in one

glance towards the bench and the Jury-box, to have bid farewell to her enemies for ever. Her sentence was the stake: which, however, by the only act of mercy attending her decease, was afterwards commuted to the axe. She suffered in September, 1685, and a plain slab is inscribed to her memory in Ellingham churchyard.

*MR. HOBLER AT THE
MANSION-HOUSE.*

WHO does not remember Francis Hobler, for upwards of half a century principal clerk to the Lord Mayor, and whose pleasantries relieved the tedium of many a strange case at the Mansion-house justice-room? He was a man of generous nature, and in him the wretched and unfortunate ever found a compassionate and sympathising friend; he was a constant terror to the confirmed beggar and hardened criminal; the recognition of his keen and penetrating eye, followed by the notice, "*You and I are old friends, I think,*" being always, fatal to their pursuits for at least some time to come.

Mr. Hobler's vividness of recollection is very amusing. A daring young thief having been brought up at the Mansion-house on a charge of burglary, the old gentleman eyed him through his glass, and said, "We have seen each other before now." "No, we haven't, old boy," was the impudent reply; upon which, quietly turning on his seat, Mr. Hobler said, "I think I've an invite of yours," and opening a

drawer took out and read, to the great merriment of the listeners, a card printed in the handwriting of the prisoner in red-ink, soliciting the favour of his friends' attendance at a public-house in the Borough, to get "gloriously drunk," and which had been taken from his person on a commitment to Bridewell, many years before, as a rogue and vagabond.

In personal appearance, Mr. Hobler was a fine, tall, upright, powdered-headed gentleman, of the old school, always neatly, though somewhat eccentrically dressed, in a closely buttoned-up black coat, drab breeches and gaiters, which seemed to be essential to, and form a part of, his very existence. In fact, it is pretty well ascertained that he was never seen in trousers.

In his habits he was perfectly regular, and, notwithstanding his advanced age, never rode, but always walked to and from his residence in Queen's Row, Pentonville, and the Mansion-house; and with such exactness as to time, that his appearance on any part of his journey was a sure indication of the precise hour of the day.

Mr. Hobler quitted the Mansion-house clerkship in 1843. He did not long survive his retirement.

A STRANGE CONDITION.

SIR THOMAS PHILLIPS, of Midette Hill, in a death-bed will, made a few days before his decease, has bequeathed Thirstane House, at Cheltenham, together with the wonderful library,

which literally fills that large mansion, to his youngest daughter, Mrs. Fenwick, for life, with remainders over to her children. The bequest is encumbered with a condition of unprecedented singularity. Sir Thomas has strictly enjoined that neither his eldest daughter, nor her husband, *nor any Roman Catholic*, shall ever enter the house. We should gladly, out of deference to the testator's memory, have suppressed any allusion to so painful and absurd a clause ; but, a will being a public record, an attempt at concealment would be worse than useless.—*Athenæum*.

TWO STRANGE STORIES.

IN Lord Eldon's Anecdote Book we find these stories of the identification of two murderers.

"I remember, in one case where I was counsel, for a long time the evidence did not appear to touch the prisoner at all, and he looked about him with the most perfect unconcern, seeming to think himself quite safe. At last the surgeon was called, who stated deceased had been killed by a shot, a gunshot in the head ; and he produced the matted hair and stuff cut from and taken out of the wound. It was all hardened with blood. A basin of warm water was brought into Court, and as the blood was gradually softened, a piece of printed paper appeared, the wadding of the gun, which proved to be the half of a ballad. The other half had been found in the man's pocket when he was taken. He was hanged.

"I remember one man taken

up twelve years after the deed. He had made his escape ; and though every search was made, he could not be found. Twelve years afterwards, the brother of the murdered man was at Liverpool in a public-house. He fell asleep, and was awoken by some one picking his pocket ; he started, exclaiming, "Good God ! the man that killed my brother twelve years ago !" Assistance came to him, the man was secured, tried, and condemned. He had enlisted as a soldier and gone to India immediately after the deed was committed ; he had just landed at Liverpool, on his return, when his first act was to pick the pocket of the brother of the man he had murdered twelve years before. It was very extraordinary that the man, waking out of his sleep should so instantly know him."

INVENTION OF THE GUILLOTINE.

DR. JOSEPH IGNACE GUILLOTIN did not invent the beheading instrument which bears his name, but merely revived an old acquaintance which had been superseded in Germany, France, and Italy, by the sword and axe, instruments of decapitation which he was trying to abolish. His argument was that death by the guillotine—as it was afterwards named—would be comparatively painless. Dr. Guillotin's proposition was made in the French Constituent Assembly, in December, 1789, but was not formally acted on until the 20th of March, 1792, when

a resolution was passed ordering a decapitation machine of the kind described by the doctor to be adopted. The plan was submitted to the carpenter employed by the Government, who demanded five thousand francs (200*l.*) for making the machine ; but finally, after much chaffering, a better bargain was made with a young German mechanic, named Schmidt, who agreed to furnish eighty-three of the new instruments—one for each department—for the sum of five hundred francs (20*l.*) each. It was first tried on the 18th of April, 1792, upon a number of corpses at the Bicetre Hospital, and was found to work with rapidity and precision. A week later it was employed for the decapitation of a convicted highway robber named Pelletier. It consists of a block resting between two upright grooved posts between which slides a heavily weighted knife with an oblique edge. The sufferer is strapped firmly to a plank, and thrust face downwards between the posts, so that his neck is directly under the knife. A spring is touched, the heavy, keen-edged blade descends, and the head is severed from the body as easily as a sharp razor severs a hair. Dr. Guillotin narrowly escaped being a victim of the instrument which bears his name. He was thrown into prison during the reign of terror, but was released on the death of Robespierre, resumed the practice of his profession in Paris, and died quietly in his bed on the 26th of March, 1814. Whether death by the

guillotine is less painful than when inflicted by other means of capital punishment, is a question which still remains unsolved.

"AN EMPTY JAIL."

MR. JUSTICE HARDINGE once addressed the grand jury at Brecon in these words : "Where, gentlemen, is my calendar? It is not in my hand. It is a perfect blank. There is not one prisoner for trial." When he got to Cardiff, he said, "I cannot forbear to admire the eloquence of the gaoler and of his calendar. There I perceive three little words, not to be surpassed by Demosthenes himself—'None for trial.' May those brilliant words record and perpetuate the honour of this country *for ages to come!*" At Presteigne, he said, "I pass over the calendar with its pilfered watch, the single and petty offence brought before us, just as if no calendar had been put into my hands. We come to deliver, as it is called, an empty jail." A learned serjeant, who some years ago went that circuit, when asked whether there was much business, coolly replied, "Very little, I believe. We read of three or four murders in the calendar ; but I understand the parties have met and have made it up ; they are all compromised !"

LORD SOMERS'S OMENS.

LORD SOMERS was the son of a Worcester attorney, whose zeal for the popular cause induced

him to bear arms under Cromwell. The youth of the future Chancellor did not want auguries of future eminence. It is affirmed that when a child, walking with his aunt, a beautiful roost-cock flew upon his head, and crowed three times with peculiar energy. This tradition has better evidence in its favour than similar stories, but we will not undertake to vouch for its authenticity. After completing his education, he entered at the Middle Temple, and was fortunate enough to attract the notice and receive the patronage of the Solicitor-General, Sir Francis Winnington. It is said he held the situation of clerk to Winnington, and thus had an opportunity of acquiring a practical knowledge of the law.

Previous to his call to the bar, his steadiness and attention excited the pride of his father. The old man used frequently to visit London in term time, and always put up his horse at the George Inn, at Acton, where he often mentioned his promising son at the Temple. One day, the landlord, hearing him dwell with such heartfelt pride on the merits of his son, said to him, "Why don't you let us see him, sir?" Accordingly, when Mr. Somers returned, he begged his son to accompany him on his way as far as Acton. Having arrived at the inn, the father took the landlord aside, and said to him, "I have brought him, Cobbet, but you must not talk to him as you do to me; he will not suffer such a fellow as you in his company."

LORD GRANGE AND HIS LADY.

LORD GRANGE, the Scottish judge, who was equally zealous in drink and in prayer, led in other respects a very odd sort of life. He had been bullied into marrying Lady Grange. It appears that this couple had been a little too intimate before marriage, and that as he tried to evade the performance of his promise to marry the lady, she, by threatening his life, obtained the fulfilment of it. A union thus auspiciously begun was maintained with equal spirit on either side. My lord betrayed a partiality for Fanny Lindsay, the fair young Scot, who kept a coffeehouse at the bottom of the Haymarket in London; and my lady became outrageous in her wrath, slept with deadly weapons under her pillow, and imperilled the life of her unhappy husband. Grange exhibited a razor which he found under his wife's pillow. It is to be feared that the lady had other causes of discontent than Fanny Lindsay, for mention is made of a retreat which Lord Grange possessed, and into which he was supposed to retire for purposes of prayer and meditation whenever his wife began to storm. Her clamours and her reliance on razors at last became so violent that Grange one day seized her in his house in Edinburgh, by main force carried her off to the Highlands, and deposited her far out in the Atlantic on the desolate island of St. Kilda, where she had to lead the life of a savage for the

remainder of her days. Having thus disposed of the termagant, old Grange was henceforth at liberty to pass his days and his nights as he pleased. Dr. Carlyle, in his Memoirs, gives an account of an afternoon which he spent in his company and in that of Lord Lovat, at a tavern kept by a certain dame known as Lucky Vint. Mrs. Vint, or Lucky Vint, had a daughter, Kate Vint, who was the great attraction of the house, and who was the happy parent of several illegitimate children. To the abode of Lucky Vint and her sweet daughter Kate, Grange and Lovat, both old men of more than 70 years, adjourned with young Carlyle and a few more to refresh themselves with dinner and other sources of enjoyment, not forgetting a piper, who was to comfort them with music. Freely the wine flowed until the old gentlemen of threescore-and-ten grew frisky, and would dance with the landlady's daughter. Poor Kate loved younger customers, and did not dance long with them. "Observing Lovat's legs, as thick as posts, she fell a laughing and ran off. She missed her second course of kisses, as was then the fashion of the country, though she had endured the first." These worthy gentlemen, disappointed of Kate, went to another house, where they had tea, intermixing the tea with kisses of the landlady's niece, and they finished off the day by retiring to Grange's retreat, where they had fruit, biscuits, and a new deluge of claret.

BARBAROUS PUNISHMENTS.

IN the reign of Edward IV., Thomas Burdett, Esq., of Arrowse, in Warwickshire, was beheaded for having used a coarse expression, the application of which had been erroneously applied to the person of the king. In the same reign, a tradesman, who had kept a shop at the sign of the *Crown*, having said that he would make his son heir to the Crown, this harmless pleasantry was interpreted to be spoken in derision of Edward's assumed title, and the tradesman was condemned and executed for the offence. In the reign of Henry VIII., April 5, 1531, Richard Rose, a cook, *was boiled to death* in Smithfield, for poisoning several persons in the family of the Bishop of Rochester; an *ex post facto* act had been passed for this purpose. Margaret Davy subsequently, in March 17, 1541, suffered a similar death in Smithfield, "for poisoning three households that she had dwelled in."

This act was repealed in the following reign. Burning females to death, however, continued, within the memory of the present generation, to be inflicted by the law for crimes of high and petty treason. For the latter crime, the last to suffer in London was Catherine Haye, burnt to death at Tyburn, May 9, 1726, for the murder of her husband; for the former, Catherine Murphy, for colouring a piece of metal to resemble a

shilling—made high treason by the 15th and 16th George II., c. 28—was burnt in the Old Bailey, on the 18th of March, 1789; by the humanity of the sheriff, she was, however, first strangled. By the 30th George III., c. 48, this barbarous mode of punishment was abolished, and hanging substituted.

FORGERY PUNISHMENTS.

AFTER the death of Sir Thomas Friend, his large brewery near Tower Hill, was taken by the notorious swindler Joseph Crook, *alias* Sir Peter Stranger, Bart. He was the last person tried and convicted under the statute of the 5th Elizabeth, c. 14, entitled, "An Act against Forgers of False Deeds and Writings." The instrument he had forged was the will of a Mr. Thomas Hawkins, and, having been found guilty, the sentence provided by the statute was carried into effect. On June 10, 1731, he stood in the pillory at Charing Cross, and the common hangman cut off his ears and slit up his nostrils and seared them. He was then in his 70th year. The 2nd George II., c. 25, recently passed, made this offence felony; and Richard Cooper, a victualler, at Stepney, was the first person (in London) to suffer the new penalty, for the forgery of a bond of 25*l.* in the name of Holme, a grocer in the neighbourhood of Hanover Square. The execution took place at Tyburn, on Wednesday, June 16, 1730.—*Temple Bar; or, the City Golgotha*, by James Hol-

bert Wilson, a Member of the Inner Temple.

LORD ELDON'S DILATORINESS.

THE principal charge brought against that consummate lawyer, Lord Eldon, who presided in the Court of Chancery for nearly twenty-five years, was dilatoriness. From this charge Sir Charles Wetherell thus defended him. "He preferred dull truth to brilliant error; slow accuracy to expeditious ignorance. Some honourable gentlemen were not particular though 20,000*l.* a year should be given to the wrong party. A judge, who had formerly been condemned by some person for not running quickly through the criminal calendar, had answered the impatient railer by observing, that he so judged in the day as to be able to sleep on going to bed at night. So thought and acted Lord Eldon." Lord Erskine, speaking in the House of Lords, said, in reference to the Chancellor—"My noble and learned friend, with great good-nature and pleasantry, frequently alludes to his supposed propensity for doubting, and I can account for that propensity more distinctly than it would be decent for him, in speaking of himself. No man, I believe, who has sat in the court where he presides ever brought to the public service a more consummate knowledge of all its principles and practice. Nobody could be better qualified to decide in that forum with rapidity, yet how

often does he there pause and re-pause, consider and reconsider—and why? From the justest and most amiable of motives. He even runs the risk of sometimes appearing dilatory and undecided, rather than mistake the rights of the meanest individual, in the most inconsiderable concerns, whose interests are in his hands.” Sir Samuel Romilly said—“If Lord Eldon has a fault, it is an over-anxiety to do justice.”

SIR VICARY GIBBS AND SIR RICHARD PHILLIPS.

SIR VICARY GIBBS, or, as he was nicknamed, Sir Vinegar Gibbs, in 1805, was made Solicitor-General, and afterwards Attorney-General. His Attorney-Generalship was chiefly distinguished by the number of ex-officio informations which he filed against the press. Within three years he filed informations against seventy persons, while in the thirty years preceding 1791 only seventy persons had been prosecuted altogether. “Sir Richard Phillips,” so writes Sir Richard himself, “was witness in a cause in which Sir Vicary asserted, in his coarse way, that if any publisher bought a book without consulting reviews in regard to former works of the same author, he was the greatest fool in Christendom, and ought not to be allowed to walk about without a keeper. Sir Richard, however, said he never read them. A few days afterwards, they were in the drawing-room at St. James’s. Sir Vicary Gibbs,

at a great distance across a crowd of heads, recognised the sheriff by a continuance of cordial salutations, which were at first gravely received, and not returned; but in a few minutes he bustled through the throng, and held out his hand. The sheriff smiled, and remarked that, after all which had passed in the papers, it was strange to see them in that attitude. ‘Pshaw, sir, do you think I regard newspapers?’ ‘Yet,’ rejoined Sir Richard, ‘you have as great an interest in them as a publisher in reviews.’ ‘You are right, you are right, sir; but you must not expect a pleader to be always logical. The man must be distinguished from the advocate; I hope we are friends, and shall continue so.’” Waspish and restless as was Gibbs’s temper, in this instance his anxiety to be reconciled with the Pythagorean Knight, showed a right spirit.—The above is believed to be the right version of the story.

A BAND OF BROTHERS.

A FRIEND of Serjeant Runnington, who had never before visited the Common Pleas, having one day accompanied the Serjeant to that court, was amused with hearing the judges and counsel addressing each other as brothers; and observed it was the first example he had found of Shakspeare’s line,—

“We few—we happy few—we band of brothers.”

HENRY IV., Act iv., Sc. 3.

“We have a different version

of that here," said Runnington ; "it is, 'we few, happy, band of brothers.'" "Whom do you mean by the 'few happy'?" inquired the visitor. "Those who have no business," said the serjeant ; "for they do not come in contact with Gibbs."

In former times, in the Court of Common Pleas, the counsel and the judges were constantly coming into collision. A particularly testy judge of that court, addressing a serjeant who was arguing before him, as "Brother," a stranger remarked that he had never before heard a judge apply that fraternal epithet to a counsel. "Oh, sir," said one of them, "it is nothing uncommon; they *are* brothers—that is, *brothers-in-law*."

A NARROW ESCAPE.

DURING the trials of Hardy, Horne Tooke, and Thelwall, in 1793, the populace were highly excited, and the crown counsel had regularly to run the gauntlet between their own houses and the Old Bailey. One evening as the Attorney-General, Sir John Scott, was about to leave the court, Garrow said—"Mr. Attorney, do not pass that tall man at the end of the table." "Why not pass him?" asked Law. "He has been here the whole trial," replied Garrow, "with his eyes constantly fixed on the Attorney-General." "I will pass him," said Law. "And so will I," said Scott: "happen what may, the King's Attorney-General must not show a white fea-

ther." The conclusion must be told in his own words.

"I went and left them, but I will not say that I did not give a little look over my shoulder at the man with the slouched hat, as I passed him ; however, he did me no harm, and I proceeded for some time unmolested. The mob kept thickening around me till I came to Fleet-street, one of the worst parts of London that I had to pass through, and the cries began to be rather threatening, 'Down with him—now is the time, lads—do for him'—and various others, horrible enough. So I stood up and spoke as loud as I could—'You may do for me if you like, but remember there will be another Attorney-General before eight o'clock to-morrow morning ; the King will not allow the trials to be stopped !' Upon this one man shouted out—'Say you so ! you are right to tell us. Let's give him three cheers, lads !' And they actually cheered me, and I got safe to my own door. When I was waiting to be let in, I felt a little queerish at seeing close to me the identical man with the slouched hat ; I believe I gave him one or two rather suspicious looks, for he came forward and said—'Sir John, you need not be afraid of me ; every night since these trials commenced I have seen you safe home, before I went to my own home, and I will continue to do so until they are over ; good evening, sir !' I had never seen the man before. I afterwards found out who he was (I had some trouble in doing

so, for he did not make himself known), and I took care he should not feel my gratitude." [It is stated in the *Law Magazine*, that Lord Eldon had once done an act of great kindness to the man's father.]

This was the period of Erskine's greatest triumph, and he availed himself of his popularity to come to the rescue of his antagonist. "I will not go on without the Attorney-General," was his frequent call to the mob, as they crowded round his carriage to attend him home. Some years afterwards, he was relating in Lord Eldon's presence, how his horses were taken out by the mob at the conclusion of Hardy's trial. "Yes," added Lord Eldon, "and I hear you never saw more of them." The laugh was against Erskine, though the fact may be regarded as apocryphal.—*Lord Eldon's Life*.

LORD DENMAN AND SIR CHARLES WETHERELL.

LORD DENMAN, whose voice was rarely heard in parliament, was, when in the Lower House, not simply an eloquent speaker, but a ready and effective debater. During the time the Reform Bill was going through committee, he came frequently into collision with Sir Charles Wetherell, and the conflict was extremely amusing. The worthy knight, with all his quaint diction and ingenious turns, was no match for the sturdy "upright and down-straight" style of the Whig Attorney-General. He, how-

ever, managed to avoid the appearance of defeat, and was always ready, however worsted, to resume the combat whenever occasion should arise. During one of these tourneys, Sir Charles, in a long, rambling, but amusing speech, compared Old Sarum to Macedon. The retort was quick: "Yes," replied Sir Thomas Denman, "Macedon was ruled by an Alexander." Mr. Alexander, the East India Director, as is well known, for some time represented this borough in parliament.

HORACE TWISS' MAIDEN SPEECH.

AMONGST our parliamentary speakers belonging to the legal profession, none was more promising than Mr. Horace Twiss. His maiden speech, however, was attended with some very unfortunate circumstances. After he had spoken for about ten minutes, he said, "I have now said enough,"—on this branch of the subject, doubtlessly he would have added, but he was cut short by Mr. Brougham, with a loud "Hear, hear!" which was re-echoed by the House. It is a difficult matter, it must be confessed, to resist the allurements of a good joke, but the consequences of this witticism might, with a man of keen sensibilities certainly would, have lost the House a useful and efficient member. Mr. Twiss, however, was not daunted, and very soon obliterated the recollection of his first mishap.—*Polson's Law and Lawyers*.

LORD NORTHINGTON.

ANSTEY has celebrated him under the name of "Lord Ringbone," in his "New Bath Guide." A young visitor, who is in the same lodgings with his lordship, takes to practising dancing, much to his annoyance :—

"Lord Ringbone, who lay in the parlour below,
On account of the gout he had got in his toe,
Began on a sudden to curse and to swear—
I protest, my dear mother, 'twas shocking to hear
The oaths of that reprobate gouty old peer—
'All the devils in hell sure at once have concurred
To make such a noise here as never was heard ;
Some blundering blockhead, when I'm in bed,
Treads as hard as a coach-horse just over my head ;
I cannot conceive what the plague he's about ;
Are the fiddlers come hither to make all this rout ?
With their d—d squeaking catgut that's worse than the gout ?
If the aldermen bade 'em come hither, I swear
I wish they were broiling in hell with the mayor ;
May flames be my portion, if ever I give
Those rascals a farthing as long as I live."

In his last illness, Lord Northington sent for the Marquis of Carmarthen, a man of great piety, who, though surprised at the message, waited upon him, and begged to know in what way he could assist his lordship. "I sent for you," said Lord Northington, "to beg you to recommend me to some able parson, whose advice I might safely take in regard to the necessary settlement respecting

the future welfare of my soul, which I fear will shortly be ejected from my body." "My lord," replied the marquis, "I am surprised at the question ; as Chancellor, your lordship has had the disposal of much church preferment, which, doubtless, you always bestowed on pious and deserving persons. For instance, what do you think of Dr. —?" "Oh, name him not," loudly exclaimed the Chancellor, "that is one of my crying sins. I shall certainly be d—d for making that fellow a dean !"

DIGNITY OF DEMEANOUR.

DIGNITY of demeanour should characterize the bench in its intercourse with the bar. Chief Baron Parker, though a very honest and very learned man, was a very undignified judge. When he was delivering his opinion in the course of *Perrin v. Blake*, he exclaimed, in a loud tone, "Stare decisis," and gave his desk so severe a rap with his knuckles that the court rung again. Lord Camden used frequently to sit in court in a tie wig, and would garter up his stocking while the counsel were the most strenuous in their eloquence. Lord Clare, the Irish Chancellor, had a favourite dog that would often follow him to the bench. One day, during the argument of *Mr. Curran's*, his Lordship stooped down and began to caress the dog. Curran stopped short in the middle of a sentence ; the judge started. "I beg pardon, my lord," said

the advocate, sarcastically, "I thought your *lordships* had been in consultation; but as you have been pleased to resume your attention, allow me to press upon your excellent *understandings*, that," &c.

BREACH OF PROMISE.

ON the Norfolk circuit, Lee was once retained for the plaintiff in an action for breach of promise of marriage: when the brief was brought him, he inquired whether the lady for redress whose injury he was to seek was good-looking. "Very handsome, indeed, sir!" was the assurance of Helen's attorney. "Then, sir," replied Lee, "I beg you will request her to be in court, and in a place where she can be seen." The attorney promised compliance; and the lady, in accordance with Lee's wishes, took her seat in a conspicuous place. Lee, in addressing the jury did not fail to insist with great warmth on the "abominable cruelty" which had been exercised towards "the lovely and confiding female" before them, and did not sit down until he had succeeded in working up their feelings to the desired point. The counsel on the other side, however, speedily broke the spell with which Lee had enchanted the

jury, by observing that his learned friend in describing the graces and beauty of the plaintiff had not mentioned one fact, namely, that the lady had a *wooden leg*! The court was convulsed with laughter, while Lee, who was ignorant of this circumstance, looked aghast; and the jury, ashamed of the influence that mere eloquence had had upon them, returned a verdict for the defendant.

EXAMINING A WITNESS.

IN examining a witness, Dunning sometimes displayed great coarseness, and drew on himself the animadversion of his brethren. The following account has been given of his examination of an old woman, by whom he wished to prove the identity of a certain party:—

Dun. Was he a tall man?

Wit. Not very tall, your honour—much about the size of your worship's honour.

Dun. Was he good looking?

Wit. Quite contrary—much like your honour; but with a handsomer nose!

Dun. Did he squint?

Wit. A little, your worship; but not so much as your honour by a good deal!

These replies produced a roar of laughter in the court, in which Lord Mansfield joined.

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Published by George Routledge and Sons.

